

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Adoption of text amendments to the Seminole County Comprehensive Plan to implement the Land Use Strategies requirement of the Wekiva Parkway and Protection Act

DEPARTMENT: Planning and Development **DIVISION:** Planning

AUTHORIZED BY: Dan Matthys **CONTACT:** Tony Matthews **EXT.** 7936

Agenda Date <u>12/20/05</u>	Regular <input type="checkbox"/>	Consent <input type="checkbox"/>	Work Session <input type="checkbox"/>	Briefing <input type="checkbox"/>
Public Hearing – 1:30 <input checked="" type="checkbox"/> Public Hearing – 7:00 <input type="checkbox"/>				

MOTION/RECOMMENDATION:

1. Enact an ordinance that includes the proposed text amendments to the Conservation, Future Land Use, and Recreation and Open Space Elements of the Seminole County Comprehensive Plan, attached as Exhibits A, B, and C, to implement the Land Use Strategies requirement of the Wekiva Parkway and Protection Act (Part III, Chapter 369, Florida Statutes) with staff findings; or (1)
2. Deny the proposed text amendments to the Conservation, Future Land Use, and Recreation and Open Space Elements of the Seminole County Comprehensive Plan, attached as Exhibits A, B, and C, to implement the Land Use Strategies requirement of the Wekiva Parkway and Protection Act (Part III, Chapter 369, Florida Statutes); or
3. Continue this item to a time and date certain.

(1) For the record: A motion to adopt plan amendment by ordinance will be enacted through a single ordinance presented to the Board as a separate agenda item following the conclusion of this large scale amendment cycle. The ordinance will contain a listing of all the amendments adopted by the Board as part of this cycle.

(Unincorporated Seminole County)

(Tony Matthews, Principal Planner)

BACKGROUND:

In 2004, the Florida Legislature passed the "Wekiva Parkway and Protection Act" (Part III, Chapter 369, Florida Statutes) for the broad purpose of: (a) protecting surface and groundwater resources through a variety of land use strategies; (b) promoting the continuity of effective and innovative planning and development activities; and (c) authorizing development of the Wekiva Parkway (see Additional Background).

STAFF RECOMMENDATION:

Staff recommends the Board enact an ordinance that includes adoption of the proposed text amendments to implement the Land Use Strategies requirement of the Act, with staff findings.

Reviewed by:	<u>[Signature]</u>
Co Atty:	<u>[Signature]</u>
DFS:	_____
Other:	_____
DCM:	<u>[Signature]</u>
CM:	<u>[Signature]</u>
File No. <u>ph130pdp04</u>	

COMMENTS FROM THE DEPARTMENT OF COMMUNITY AFFAIRS AND OTHER STATE AGENCIES

The Department of Community Affairs issued an Objections, Recommendations and Comments (ORC) Report on November 28, 2005. The Report and County responses are attached as Exhibit P.

Note: Following transmittal of these proposed amendments, the Wekiva River Basin Commission directed the Department of Community Affairs to develop model goals, objectives, and policies for local governments to use in addressing the requirements of the Act. Consequently, any adopted amendments by the Board may undergo revisions at some future date to meet this model.

BOARD OF COUNTY COMMISSIONERS (BCC) ACTION (8/23/05)

On August 23, 2005, the BCC voted 5 to 0 to transmit the attached text amendments, with staff findings.

LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION (LPA/P&Z) RECOMMENDATION (7/13/05)

On July 13, 2005, the LPA/P&Z voted 5 to 0 to recommend transmittal of the attached text amendments, with staff findings.

ADDITIONAL BACKGROUND:

The Wekiva Parkway and Protection Act (the "Act") requires the affected local governments to make changes to their comprehensive plans. The attached text amendments satisfy the requirements of the Act by addressing the following matters:

A. Comprehensive Plan Land Use Strategies

Section 369.321(3) of the Wekiva Parkway and Protection Act (the "Act") requires local governments to adopt comprehensive plan amendments no later than January 1, 2006, to create land use strategies for lands within the Wekiva Study Area (the "Study Area"). These strategies shall optimize open space and promote a pattern of development that protects certain resources (see Special Area Boundaries map as part of Exhibit A). The Department of Community Affairs published "Guidelines for Preparing Comprehensive Plan Amendments for the Wekiva Study Area" (the "DCA Guidelines") to assist local governments in developing land use strategies required by the Act. These Guidelines identified the following resources:

1. Most Effective Recharge Areas - In general, recharge occurs directly from infiltrating rainfall where the limestone of the Floridan Aquifer is at or near land surfaces. Recharge may also occur in relation to the elevation of the water table and with sinkholes.
2. Karst Features - Karst features consist of dolostone and limestone regions with underground drainage and many cavities and passages caused by the dissolution of the rock. Most Florida springs exist where the limestone of the Floridan Aquifer is exposed at the land surface and groundwater is forced out from underground. Often

individual karst features (e.g., sinkholes, depressions, etc.) are scattered widely throughout a springshed.

3. Sensitive Natural Habitats - For the purpose of the Act, these habitats include longleaf pine, sand hill, sand pine, and xeric oak scrub. The LDC defines "rare upland habitat" as those vegetative communities identified as scrub, longleaf pine - xeric oak, sand pine scrub, xeric oak, and live oak hammock based on the Florida Land Use Cover and Forms Classification System.
4. Open Space - Open space, according to the DCA Guidelines, should be defined in the comprehensive plan and land development regulation as the land area to be left undeveloped or minimally developed as part of a natural resource preserve, passive recreational area, or stormwater management area, with consideration of wildfire minimization. Such designated open space excludes areas in lots, street rights-of-way, parking lots, impervious surfaces and active recreation, such as golf courses.
5. Property Rights Protection - The Act requires local governments to consider property rights protection and the extent development factors may affect the applicability of the strategies.

Staff has revised the proposed text amendments and property rights analysis to address objections raised by DCA in its ORC Report issued on November 28, 2005 (see revised B and Exhibit I).

B. Guidelines for Preparing Comprehensive Plan Amendments

The Guidelines published by the Department of Community Affairs recommend local governments adopt the following comprehensive plan strategies, for example:

1. Coordinated greenway plans;¹
2. Dedication of conservation easements;
3. Land acquisition;
4. Clustering of development;
5. Density credits and density incentives, which result in permanent protection of open space; and
6. Low to very low density development.

C. Checklist for Preparing Comprehensive Plan Amendments

Attached Exhibit D, is a comparison of land use strategies currently in use by Seminole County with those published by the Department of Community Affairs. This comparison clearly illustrates that the County is implementing each of the six (6) land use strategies recommended in the DCA Guidelines with respect to protecting most effective recharge areas and open space applicable to lands within the Study Area. This comparison table also identifies comprehensive plan amendments to strengthen existing strategies and to

¹ A greenway is a linear corridor that is set aside for preservation of an environmentally sensitive linear feature such as a river, shoreline, or ridge or as a connection between large preserved lands. Greenways may or may not contain trails and are often used by wildlife with extended roaming patterns.

address protection of open space, karst features, and sensitive natural habitats identified in the Act.

STAFF FINDINGS:

In assessing existing SCCP and LDC provisions with the requirements of the Act, staff believes that:

1. The proposed text amendments in Exhibit A and Exhibit B, as revised, are consistent with the Wekiva Parkway and Protection Act and with the Guidelines published by the Department of Community Affairs; and
2. The proposed text amendments in Exhibits A and B, as revised, will further the goals of the Wekiva Parkway and Protection Act to protect surface and groundwater resources through a variety of land use strategies and to promote the continuity of effective and innovative planning and development activities within the Wekiva Study Area.

EXHIBITS FOR BOARD ACTION:

- A. Amendments to Existing Comprehensive Plan Policies (including applicable map exhibits)
- B. New Comprehensive Plan Objective and Policies, as revised (including applicable map exhibits)
- C. Future Land Use Map

EXHIBITS AS SUPPORT DOCUMENTATION ONLY:

- D. Checklist for Preparing Comprehensive Plan Amendments (revised December 2005)
- E. Wekiva Area Assessment Map
- F. Additional Requirements of the Wekiva Parkway And Protection Act (revised December 2005)
- G. Character of Wekiva Area
- H. Supporting Documentation
- I. Private Property Rights Analysis (revised December 2005)
- J. Economic Impact Analysis
- K. LPA/P&Z Minutes, July 13, 2005
- L. Wekiva Parkway and Protection Act Public Hearing Schedule (amended December 2005)
- M. BCC Minutes, August 23, 2005
- N. Notice of Amendment Ordinance
- O. Objective 12 Protection of Private Property Rights
- P. Department of Community Affairs ORC Report and County Responses

Note: Exhibits incorporated into the SCCP are reformatted for placement into the SCCP subsequent to adoption by the Board of County Commissioners.

Exhibit A

Amendments to Existing Comprehensive Plan Policies

CONSERVATION ELEMENT

Amendment 05F.TXT01.01.

Policy CON 2.8 Educational Brochures

The County shall develop and distribute to homeowners associations, civic groups, schools and other organizations, educational brochures addressing surface water and lake improvement practices and related matters such as Florida Friendly Landscaping for properties within the Wekiva Study Area.

FUTURE LAND USE ELEMENT

Amendment 05F.TXT01.02.

Policy FLU 1.7 Wekiva River Protection

The County shall continue to regulate the development of land along the Wekiva River and its wetlands and tributaries to implement Protection Zone policies and regulations regarding maintaining rural density and character in the aggregate, development setbacks, concentrating permitted development farthest from surface waters and wetlands where permitted, minimizing development impacts on water quantity and quality, and restricting open space areas to passive recreational uses.

Regardless of the land use designation or zoning classification assigned to any parcel of property located within the Wekiva River Protection Area as defined in *Section 369.303(9), Florida Statutes*, no development may be approved upon parcels so located unless the proposed development conforms to the provisions of the Wekiva River Protection Act (Part III, Chapter 369, Florida Statutes), and the provisions of this Plan adopted to conform to said Act. See Future Land Use Objective 14 for additional policies regarding the goals of the Wekiva River Protection Area.

In addition, development of lands located within the Wekiva River Protection Area must also conform to the provisions of the Wekiva Parkway and Protection Act (Part III, Chapter 369, Florida Statutes) and to the provisions of this Plan adopted to conform to said Act. See Future Land Use Objective 15 for additional policies regarding the goals of the Wekiva Parkway and Protection Act.

Notwithstanding any other provision of this Plan, middle schools and high schools shall not be permitted on property located within the Wekiva River Protection Area except for 8.7 acres owned by the Seminole County School Board prior to October 26, 1999, which is located in the East Lake Sylvan Transitional Area, which is depicted in Exhibit FLU: East Lake Sylvan Transitional Area/School Site. (Added: Amendment 02F.TXT03; Ordinance 2002-55, 12/10/2002).

RECREATION AND OPEN SPACE ELEMENT

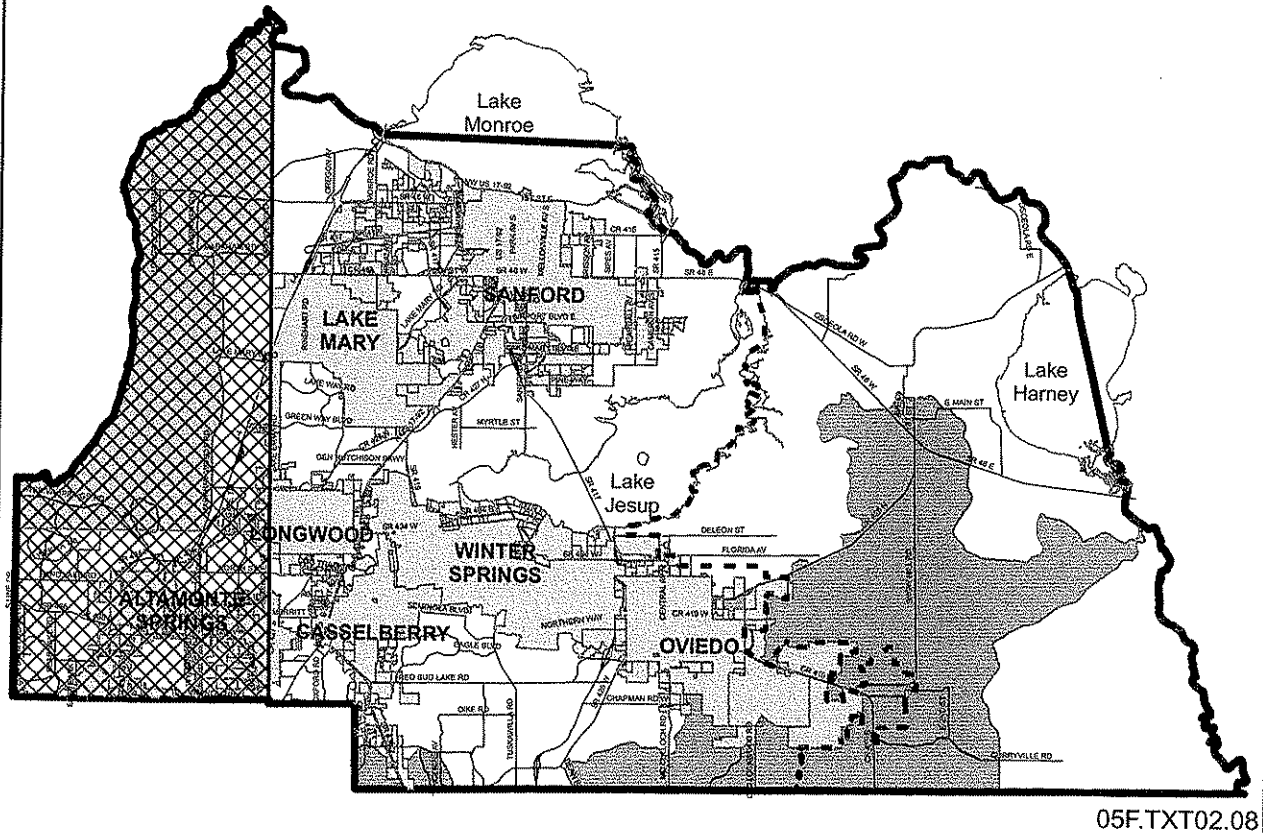
Amendment 05F.TXT01.03.

Policy REC 6.2 Recreation Grants

The County shall continue to pursue State and Federal grants, **including funding from the Florida Communities Trust program**, for the acquisition and development of recreational and open space lands and facilities.

Exhibit A

Econlockhatchee/Wekiva River Protection Areas and Wekiva Study Area

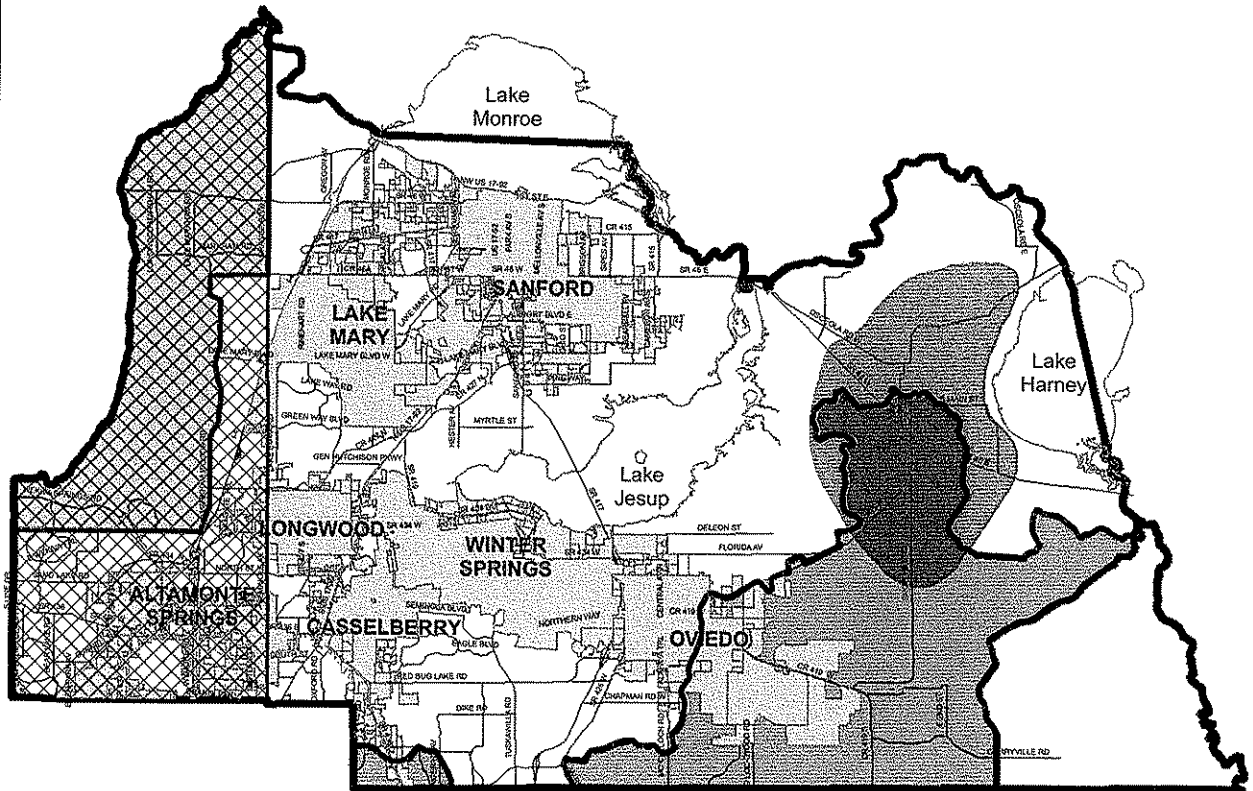


LEGEND

- - - - Urban/Rural Boundary
- Wekiva River Protection Area
- Econlockhatchee River Protection Area
- Wekiva Study Area Boundary
- City Limits

Exhibit A






Resource Protection Areas



05F.TXT02.07

LEGEND

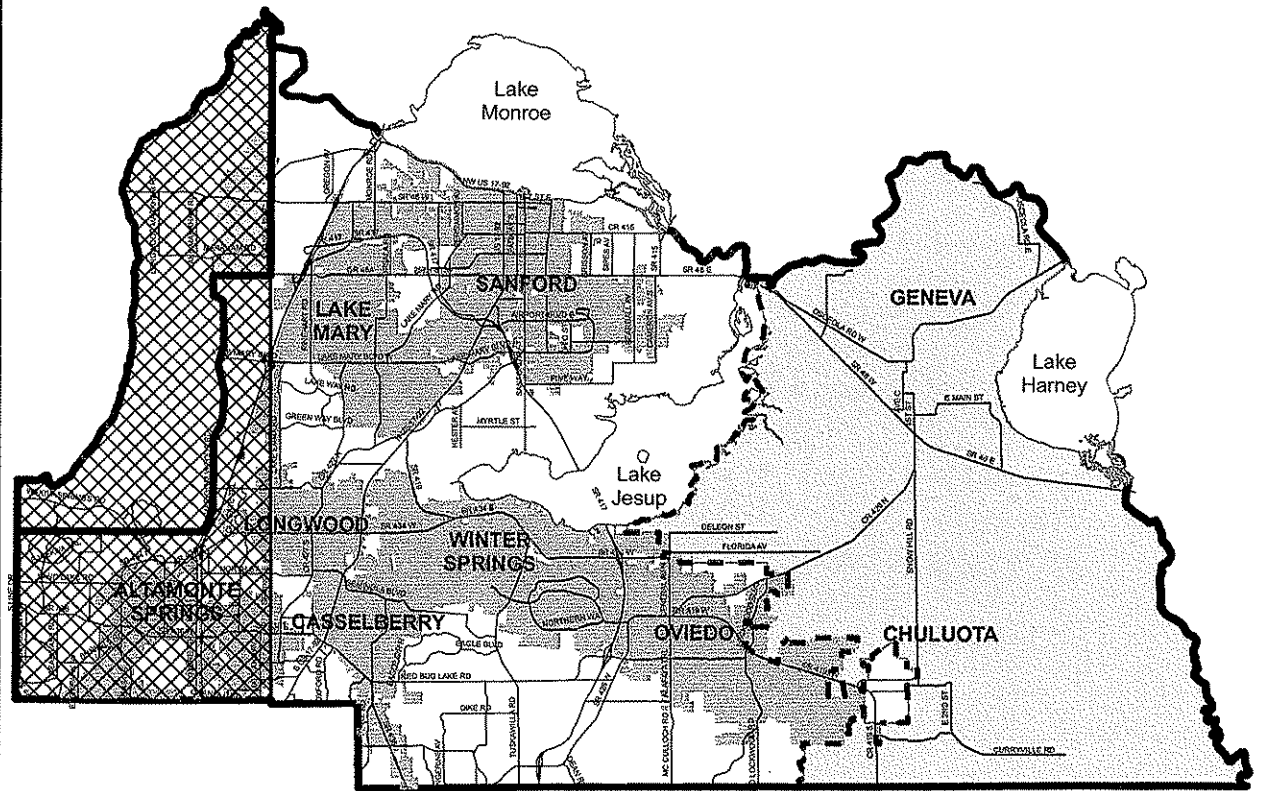


-  Wekiva River Protection Area
-  Econlockhatchee River Protection Area
-  Geneva Lens
-  Wekiva Study Area Boundary
-  City Limits

The Wekiva River has received State attention to ensure its protection and the Econlockhatchee River Basin is protected by County Ordinance.

Exhibit A

Special Area Boundaries



05F.TXT02.05

LEGEND










-  Wekiva Study Area Boundary
-  Rural Area (Outside Urban Service Area)
-  Seminole Estates
-  East Lake Sylvan Transitional Area
-  Wekiva River Protection Area Boundary
-  Urban/Rural Boundary
-  City Limits

Exhibit B

New Comprehensive Plan Objective and Policies **Revised to Address Objections from the DCA** **Revisions Depicted by Shading**

FUTURE LAND USE ELEMENT

Amendment 05F.TXT02.01.

OBJECTIVE FLU 15 PROTECTION OF THE NATURAL RESOURCES OF THE WEKIVA STUDY AREA

The County shall recognize and enforce and, if necessary, strengthen existing Plan goals, objectives, policies, and land development regulations relating to open space, most effective recharge areas, karst features, and sensitive natural habitat, to reinforce the provisions of the Wekiva Parkway and Protection Act (Part III, Chapter 369, Florida Statutes). The goals, objectives, policies, and land development regulations shall ensure that all development activities within the Wekiva Study Area are consistent with the Wekiva Parkway and Protection Act (*Exhibit FLU: Special Area Boundaries*). The County shall also evaluate the effects of land use strategies on property rights protection within the Wekiva Study Area.

Amendment 05F.TXT02.03.

Policy FLU 15.1 Wekiva Study Area Open Space

Open space within the Wekiva Study Area is defined as any portion of a parcel or area of land or water, which is open from the ground to the sky, including areas left undeveloped or minimally developed as part of a natural resource maintained preserve, (e.g., floodplains, wetlands, soils unsuitable for development, etc.), passive recreational area, or stormwater management area, buffers, landscaped areas, easements for pedestrian connection, and trails, with consideration of wildfire minimization. Such designated open space excludes waterbodies, areas in lots, street rights-of-way, parking lots, impervious surfaces, and active recreation, such as golf courses.

Amendment 05F.TXT02.02.

Policy FLU 15.12 Wekiva Study Area Natural Resource Protection

In order to protect open space, most effective recharge areas, karst features, and sensitive natural habitat (i.e., longleaf pine, sand hill, sand pine, and xeric oak scrub) (Exhibit FLU: Karst Features and Sensitive Natural Habitats) within the Wekiva Study Area, as required by the Wekiva Parkway and Protection Act [Section 369.321(3), Florida Statutes] the County shall apply, but not be limited to, the following land use strategies and mechanisms:

A. Protection of Open Space

1. Encourage, and if warranted by Policy FLU 15.3, require planned unit developments and cluster developments;
2. Require dedication of conservation easements, or other appropriate legal mechanisms, to protect open space in perpetuity as part of the subdivision and/or site plan approval process;
3. Preserve conservation areas via of enforcement of the W-1 (Wetlands) and FP-1 (Floodprone) zoning classifications;
4. Enforce open space ratios and open space credits provisions established in the Land Development Code of Seminole County; and
5. Evaluate the Land Development Code every five (5) years to update definitions, standards, and guidelines for provision of open space.

B. Most Effective Recharge Areas

1. Encourage, and if warranted by Policy FLU 15.3, require planned unit developments and cluster developments; and
2. Evaluate the Aquifer Recharge Overlay Zoning Classification, which sets alternative design criteria and standards to protect the functions of most effective aquifer recharge areas as part of each Comprehensive Plan Evaluation and Appraisal Report.
3. Enforce standards for the most effective recharge areas, as defined in the Aquifer Recharge Overlay Zoning Classification and Exhibit FLU-TBD (see Exhibit B) such as, but not limited to:
 - a. The maximum area covered by structures and impervious surface shall not exceed sixty-five (65) percent for non-residential uses and sixty (60) percent for residential uses of the total land area; and

- b. With the exception of handicapped parking spaces, no more than twenty-five (25) percent of the total number of required off-street parking spaces shall not be paved.

Drafter's Note: Additional comprehensive plan amendments may be required upon completion of rulemaking by the St. Johns River Water Management District regarding most effective recharge areas as required by Section 369.318(3)(a) and (4), Florida Statutes.

C. Karst Features and Sensitive Natural Habitat

1. The County shall adopt Best Management Practices (BMPs), including applicable BMPs recommended in "Protecting Florida's Springs – Land Use Planning Strategies and Best Management Practices", Florida Department of Community Affairs and Florida Department of Environmental Protection, 2002. BMPs may include, but not be limited to:

- a. Increasing public awareness of the Florida Yards and Neighborhoods Program regarding proper lawn and landscaping fertilization and irrigation techniques via Seminole County Government Television;
- b. Restricting untreated water from a development site from directly discharging into karst features;
- c. Requiring development proposals to verify by surveys and/or studies the presences of karst features and sensitive natural habitat;
- d. Requiring a clearing and building construction setback of a minimum of 50 feet from karst features or sensitive natural habitat; and
- e. Maintaining a minimum 25 feet, average 50 feet natural buffer adjacent to karst features.

2. The County shall also adopt BMPs to:

- a. Increase public awareness of the Florida Yards and Neighborhoods Program regarding proper lawn and landscaping fertilization and irrigation techniques;
- b. Request the Wekiva Working Group to recommend policies and/or regulations to protect natural resources, including springheads; and
- c. Discourage the use of flammable plants such as saw palmetto and wax myrtle adjacent buildings to ensure a defensible transition space to minimize wildfire impacts.

D. Land Development Code Provisions

By January 1, 2007, the County shall enact land development regulations, as required by Section 369.321(6), Florida Statutes, to implement Plan policies that shall apply to properties located within the Wekiva Study Area. The County shall consider any model land development code and/or comprehensive plan objectives and policies designed to assist local governments in meeting the requirements of the Wekiva Parkway and Protection Act. The County shall also consider adoption of a Wekiva Springs Overlay District to optimize the protection of springs.

A. Encourage planned unit developments and cluster type developments that preserve karst features and sensitive natural habitats as permanent open space; and

B. By January 1, 2007, the County shall enact land development regulations, as required by Section 369.321(6), Florida Statutes, to implement Plan policies that shall apply to properties located within the Wekiva Study Area. In preparing land development regulations, the County shall consider adopting Best Management Practices (BMPs), including applicable BMPs recommended in "Protecting Florida's Springs — Land Use Planning Strategies and Best Management Practices", Florida Department of Community Affairs and Florida Department of Environmental Protection, 2002. Land development regulations shall, at a minimum, establish standards for minimizing impacts of development activities on karst features and sensitive natural habitats by way of, but not limited:

1. Easements, deed restrictions or other instruments to preserve karst features and sensitive natural habitats as permanent open space;
2. Building and clearing restrictions; and
3. Setbacks and buffering requirements.

Amendment 05F.TXT02.11

Policy FLU 15.3 Wekiva Study Area Cluster Development Standards

The County shall evaluate development proposals within the Wekiva Study Area to determine if cluster developments are required where development proposals meet one or more of the following conditions:

- A. Contains significant amounts of wetlands, floodprone areas, or other environmentally sensitive natural habitat such as longleaf pine, sand hill, sand pine, or xeric oak scrub;
- B. Contains sensitive karst features or most effective recharge areas;
- C. Abuts a government owned natural lands or other environmentally sensitive area such as springs, or historical or archeological site; or

D. Is within 200 feet of the Wekiva River, as measured from the ordinary high water elevation or the landward limit of established conservation areas.

Amendment 05F.TXT02.043.

Policy FLU 15.24 Wekiva Study Area Incorporated Objective and Policies

The following objective and policies from various Elements of the Seminole County Comprehensive Plan to reinforce the provisions of the Wekiva River Protection Act are hereby incorporated into this Element by this reference below thereto as if fully set forth herein verbatim:

A. Most Effective Recharge

1. Conservation Element - Policy CON 1.3 Recharge Area Protection
2. Future Land Use Element - Policy FLU 1.5 Cluster Development

B. Open Space

1. Conservation Element - Policy CON 3.9 Conservation Easements/Dedication
2. Future Land Use Element - Policy FLU 1.5 Cluster Development
3. Recreation and Open Space Element - Policy REC 6.2 Recreation Grants
4. Recreation and Open Space Element - Policy REC 7.5 Agency Coordination
5. Recreation and Open Space Element - Policy REC 7.7 Significant Open Space and Natural Lands Acquisition

C. Sensitive Natural Habitat

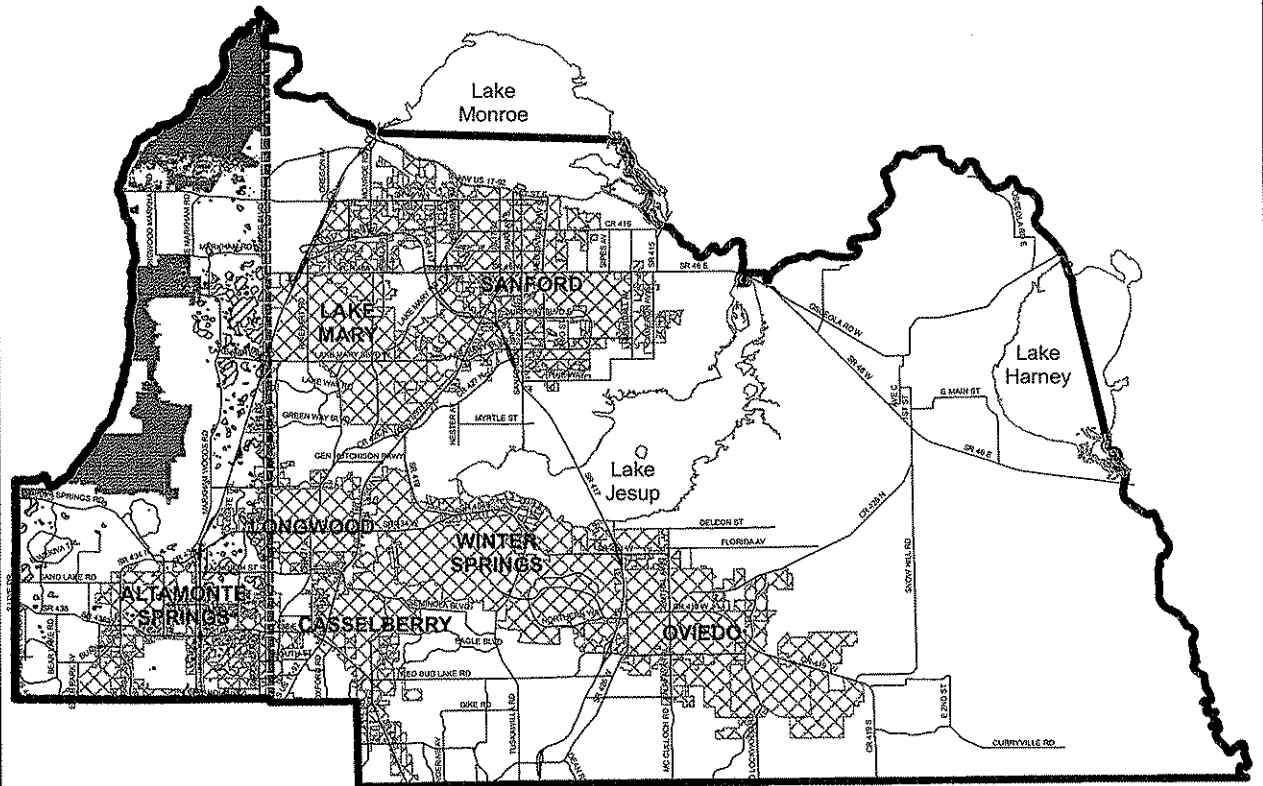
1. Introduction Section - Definition of Rare Upland Habitat
2. Recreation and Open Space Element - Policy REC 7.7 Significant Open Space and Natural Lands Acquisition

D. Property Rights

Future Land Use Element - Objective FLU 12 Protection of Private Property Rights

Exhibit B

Karst Features and Sensitive Natural Habitats



05F.TXT02.06

LEGEND






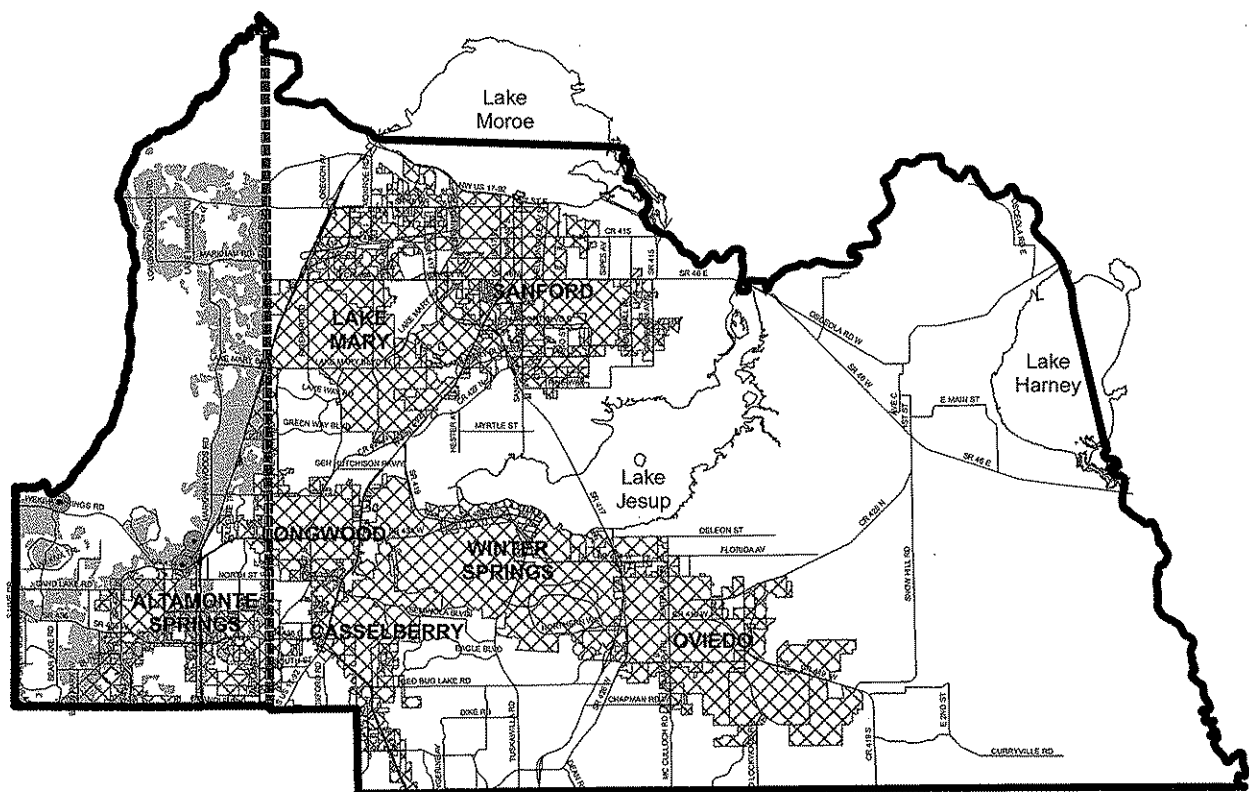
-  Wekiva Study Area Boundary
-  Karst Features
-  Public Lands
-  City Limits
- Sensitive Natural Habitat**
 -  Xeric Oak Scrub
 -  Sand Pine Scrub
 -  Sandhill

Exhibit B





Most Effective Recharge Areas Within the Wekiva Study Area



05F.TXT02,10

LEGEND



-  Wekiva Study Area Boundary
 Most Effective Recharge Areas in the WSA
 City Limits
 Springs

Future Land Use Map (Exhibit C)

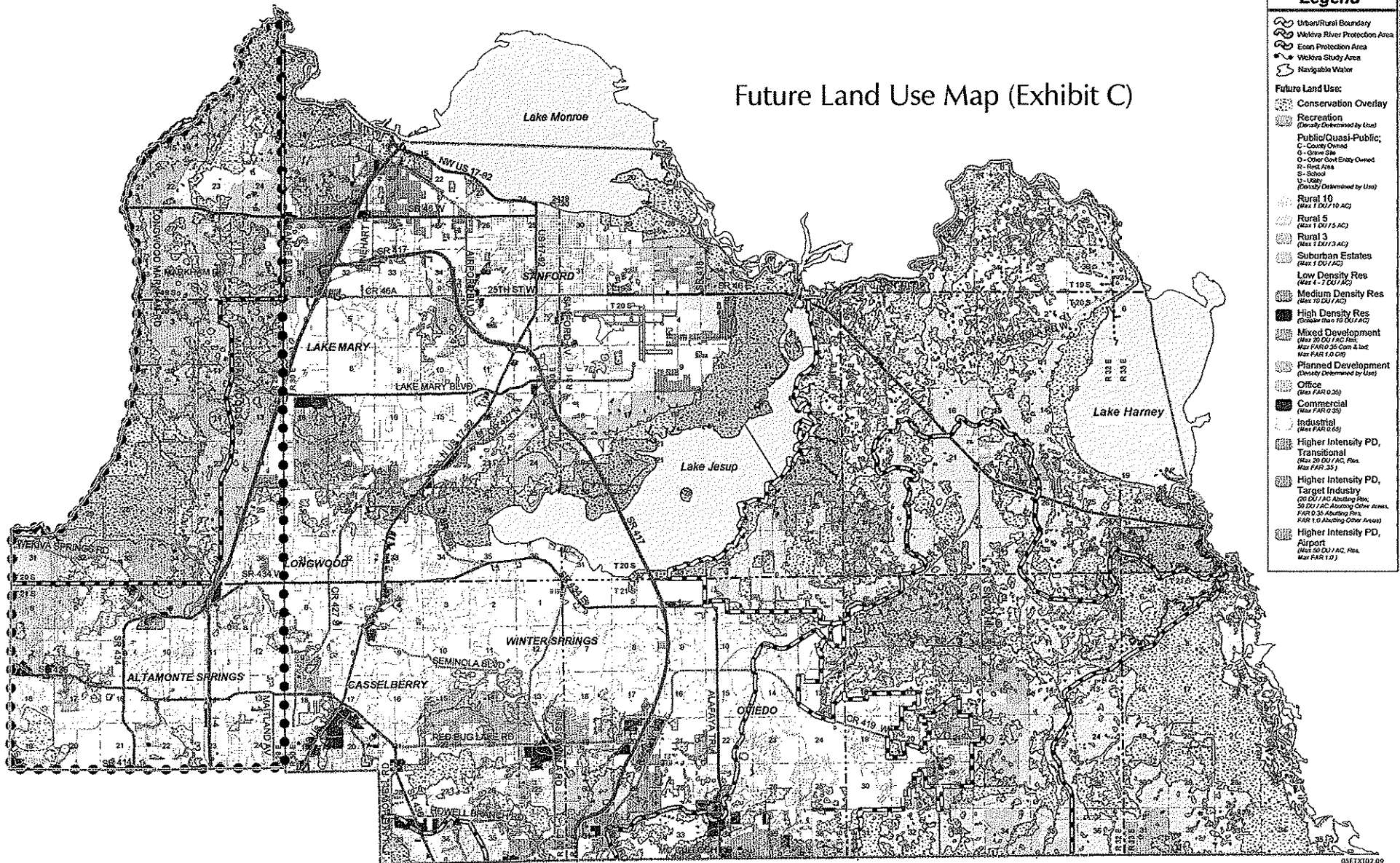


Exhibit D
CHECKLIST FOR PREPARING COMPREHENSIVE PLAN AMENDMENTS
WEKIVA PARKWAY AND PROTECTION ACT
(Part III, Chapter 369, Florida Statutes)
SEMINOLE COUNTY, REVISED DECEMBER JULY 2005*

No.	Subject	Existing County Provisions	Comprehensive Plan Amendment(s)
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INTRODUCTION TO EXHIBIT D

In 2004, the Florida Legislature passed the "Wekiva Parkway and Protection Act" (Part III, Chapter 369, Florida Statutes) for the broad purpose of: (a) protecting surface and groundwater resources through a variety of recommended land use strategies; (b) promoting the continuity of effective and innovative planning and development; and (c) authorizing development of the Wekiva Parkway, all within the statutorily defined "Wekiva Study Area" (Section 369.316, Florida Statutes).

Exhibit D, "Checklist for Preparing Comprehensive Plan Amendments", is a comparison of land use strategies currently employed by Seminole County with those published by the Department of Community Affairs. This comparison clearly illustrates that the County implements each of the six (6) land use strategies recommended in the guidelines published by the Department with respect to protecting most effective recharge areas and open space applicable to lands within the Study Area. This comparison table also identifies where plan amendments will address protection of karst features and optimize existing County strategies regarding protection of the sensitive natural habitats identified in the Act. Land use strategies within this table are directly from the Seminole County Comprehensive Plan and Land Development Code of Seminole County.

Amendments to existing goals, objectives and policies of the Seminole County Comprehensive Plan and proposed new goals, objectives and policies are contained in Exhibits A and B.

As an aid for interpreting this exhibit, see last page.

Exhibit D
CHECKLIST FOR PREPARING COMPREHENSIVE PLAN AMENDMENTS
WEKIVA PARKWAY AND PROTECTION ACT
(Part III, Chapter 369, Florida Statutes)
SEMINOLE COUNTY, REVISED DECEMBER JULY 2005*

No.	Subject	Existing County Provisions	Comprehensive Plan Amendment(s)
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LAND USE STRATEGIES			
Most Effective Recharge			
1A	<p>Identify and map the most effective recharge areas that need to be protected as open space and include supporting information.</p> <p>Most Effective Recharge Areas are generally high, dry uplands with highly permeable soils and poor surface drainage. High recharge areas are often located within areas most suitable for development.</p>	<p>Most Effective Recharge areas in Seminole County are protected through development policies and regulations, enforcement of overlay district and evaluation of effectiveness. Examples include:</p> <ol style="list-style-type: none"> 1. Evaluate aquifer recharge overlay zoning classification which sets alternative design criteria and standards to protect the functions of most effective aquifer recharge areas as part of each EAR (<i>Policy CON 1.3 Recharge Area Protection</i>). 2. Continue to evaluate the use of septic systems and effluent reuse systems within most effective recharge areas and determine any long term negative impacts on groundwater quality and, if appropriate, adopt and develop additional regulations governing their use (<i>Policy CON 1.4 Recharge</i> 	<p><u>Comprehensive plan amendments to address open space in the SCCP are shown in Exhibit B.</u></p> <p>Comprehensive plan amendments are not required on the basis that the County's existing land use strategies are consistent with the requirements of the Wekiva Parkway and Protection Act and with the guidelines published by the Department of Community Affairs. Comprehensive Plan Amendments may be required upon completion of rulemaking by the St. Johns River Water Management District (SJRWMD) regarding most effective recharge areas as required by Section 369.318(3)(a) and (4), Florida Statutes.</p> <p><u>Notes:</u></p> <ol style="list-style-type: none"> 1. The Department of Community Affairs (DCA) has stated that there are approximately 1,813 acres of urban designated acres of total vacant recharge areas in unincorporated Seminole County within the Wekiva

Exhibit D
CHECKLIST FOR PREPARING COMPREHENSIVE PLAN AMENDMENTS
WEKIVA PARKWAY AND PROTECTION ACT
(Part III, Chapter 369, Florida Statutes)
SEMINOLE COUNTY, REVISED DECEMBER JULY 2005*

No.	Subject	Existing County Provisions	Comprehensive Plan Amendment(s)
		<p><i>Area Reuse).</i></p> <ol style="list-style-type: none"> 3. Evaluate expanded effluent reuse program as part of each EAR. The program shall, at a minimum, evaluate the following...Mechanisms to transport and dispose of reuse water within the most effective recharge areas (<i>Policy CON 1.11 Effluent Reuse</i>). 4. Continue to evaluate protection of recharge areas with each EAR and amend regulations as necessary to ensure that natural recharge of groundwater from rainfall is not decreased (<i>Policy DRG 3.8 Groundwater Recharge</i>). 5. Provide for planned unit developments and clustering of uses that preserve conservation areas and other open space and groundwater aquifer recharge areas (<i>Policy FLU 1.5 Cluster Development</i>). 6. SCCP <i>FLU Exhibit-13 Recharge Areas</i> depicts general locations of recharge area designations. 7. The County's Land Development 	<p>Study Area (<i>Guidelines for Preparing Comprehensive Plan Amendments for the Wekiva Study Area pursuant to the Wekiva Parkway and Protection Act, Florida Department of Community Affairs, February 2005, page 21</i>).</p> <ol style="list-style-type: none"> 2. The Department of Environmental Protection (DEP) has stated that Seminole County's use of overlay zoning for protection of recharge areas is very effective (<i>Water Study Area City/County Surface and Groundwater Protection Evaluation, October 24, 2003, Appendix 4</i>). 3. As depicted on the Wekiva Area Assessment Map (Exhibit E) the Wekiva Study Area is a substantially built out area, including most effective recharge areas. A comparison of Exhibit E with the recharge maps from the SCCP and LDC reveals most effective recharge areas impacted by previous development activities.

Exhibit D
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WEKIVA PARKWAY AND PROTECTION ACT
(Part III, Chapter 369, Florida Statutes)
SEMINOLE COUNTY, REVISED DECEMBER JULY 2005*

No.	Subject	Existing County Provisions	Comprehensive Plan Amendment(s)
		<p>Code defines most effective recharge as a recharge rate of 10-21 inches of rainfall per year and includes development standards such as maximum impervious of 65% for nonresidential uses and 60% for residential uses (<i>Section 30.1021, LDC, Aquifer Recharge Overlay Zoning Classification and Recharge Exhibit</i>).</p> <p>8. Groundwater resources will be maintained by ensuring that the pre and post recharge volume is maintained by limiting the post discharge volume to the pre discharge one (<i>Section 30.1021, LDC, Aquifer Recharge Overlay Zoning Classification</i>).</p> <p>9. Enforce <i>Seminole County Surface Water Management Standards (Appendix B, LDC)</i> to protect surface water and groundwater resources.</p> <p>10. The county hereby adopts and incorporates (<i>Section 55.2, LDC, Incorporation of Rules and Regulations</i>) by reference the</p>	

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WEKIVA PARKWAY AND PROTECTION ACT
(Part III, Chapter 369, Florida Statutes)
SEMINOLE COUNTY, REVISED DECEMBER JULY 2005*

No.	Subject	Existing County Provisions	Comprehensive Plan Amendment(s)
		<p>following act, rules and regulations of the USEPA, the FDER, the HRS and the SJRWMD pertaining to the protection of groundwater:</p> <ul style="list-style-type: none"> (1) Safe Drinking Water Act, 42 USCS § 3000 et seq.; (2) Chapter 5E-2, F.A.C.; (3) Chapter 10D-6, F.A.C.; (4) Chapter 17-3, F.A.C.; (5) Chapter 17-28, F.A.C.; (6) Chapter 17-63, F.A.C.; (7) Chapter 17-555, F.A.C.; (8) Chapter 17-604, F.A.C.; (9) Chapter 17-610, F.A.C.; (10) Chapter 17-660, F.A.C.; (11) Chapter 17-670, F.A.C.; (12) Chapter 17-701, F.A.C.; (13) Chapter 17-730, F.A.C.; (14) Chapter 17-761, F.A.C.; (15) Chapter 17-762, F.A.C.; (16) Chapter 17-770, F.A.C.; and (17) Chapter 40C, F.A.C. 	

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SEMINOLE COUNTY, REVISED DECEMBER JULY 2005*

No.	Subject	Existing County Provisions	Comprehensive Plan Amendment(s)
Karst Features			
1B	<p>Identify and map karst features that need to be protected as open space and include supporting information.</p> <p>Karst features consist of dolostone and limestone regions with underground drainage and many cavities and passages caused by the dissolution of the rock. Most Florida springs exist where the limestone of the Floridan Aquifer is exposed at the land surface and groundwater is forced out from underground. Often individual karst features (e.g., sinkholes, depressions, near-surface conduits, stream-to-sink waters) are scattered widely throughout a springshed.</p>	<p>There are currently no existing Seminole County Comprehensive Plan (SCCP) or Land Development Code of Seminole County (LDC) provisions specifically regarding karst features.</p>	<p>Comprehensive plan amendments to include karst features in the SCCP are shown in Exhibit B.</p> <p><u>Notes:</u> As depicted on the Wekiva Area Assessment Map (Exhibit E) the Wekiva Study Area is a substantially built out area, including areas shown as karst features included in Exhibit B. A comparison of these two exhibits reveals that karst features affected by previous development activities.</p>

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1C	<p>Identify and map sensitive natural habitats, including longleaf pine, sand hill, sand pine, and xeric oak scrub, that need to be protected as open space and include supporting information.</p> <p>Longleaf pine/sand hill communities are dominated by an overstory of scattered longleaf pine, along with an understory of turkey oak and blue jack oak.</p> <p>Xeric oak scrub is dominated by myrtle oak, Chapman's oak, sand-live oak, scrub holly, scrub plum, scrub hickory, rosemary, and saw palmetto.</p> <p>Sand pine scrub is dominated by an overstory of sand pine and has an understory of myrtle oak, Chapman's oak, sand-live oak, and scrub holly.</p>	<p>There are currently no existing SCCP provisions exclusive to longleaf pine, sand hill, sand pine, and xeric oak scrub; however, the following are existing SCCP policies and LDC regulations relating to habitat protection:</p> <ol style="list-style-type: none"> 1. RARE UPLAND HABITAT The term "rare upland habitats" means those vegetative communities identified by the County as scrub, longleaf pine - xeric oak, sand pine scrub, xeric oak and live oak hammock. The vegetative communities referred to above are defined in the Florida Land Use Cover and Forms Classification System which is published by the Florida Department of Transportation which is incorporated herein by this reference thereto as if fully set forth herein Verbatim (<i>SCCP Introduction Section</i>). 2. Preserve, properly manage and, where possible, enhance the quantity, quality and function of Seminole County's natural resources for existing and 	<p>Comprehensive plan amendments to optimize sensitive natural habitats, including longleaf pine, sand hill, sand pine, and xeric oak scrub, into the SCCP are included in Exhibit B.</p> <p><u>Notes:</u></p> <ol style="list-style-type: none"> 1. As depicted on the Wekiva Area Assessment Map (Exhibit E) the Wekiva Study Area is substantially built out area, including areas shown as sensitive natural habitats included in Exhibit B. 2. In addition, a substantial amount of sensitive natural habitats, included in Exhibit B, are within properties owned by Seminole County and the State of Florida (i.e., Northwest Area Regional Wastewater Treatment Facility and the Lower Wekiva River State Preserve) and within Wekiva State Park (former Plantation property) (see Exhibit E).

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		<p>future generations; to include, but not be limited to...native habitat...(SCCP <i>Conservation Element Goal</i>).</p> <p>3. The County shall use funding resulting from the November 6, 1990 Natural Lands Bond Referendum and from the November 7, 2000 Natural Lands—Completing the Connection Bond Referendum for the acquisition of significant native habitats, open space areas, and greenways...(Policy REC 7.7 <i>Significant Open Space and Natural Lands Acquisition</i>) .</p> <p>4. Rare Upland Habitat is also defined in the LDC at 30.1083(d) <i>Affected Area/Definition</i> and protected through the PUD process (Section 30.1114 (c), LDC, <i>Environmental Development Standards</i>).</p>	

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Open Space			
2	<p>Adopt a definition of open space.</p> <p>Open space may be defined as land to be left undeveloped or minimally developed. Open space may include, but no be limited to, easements, greenways, conservation/preservation lands, retention areas, parks, trails, and other pubic lands.</p>	<p>The SCCP includes four (4) categories of open space as described below (<i>SCCP, Introduction Section</i>):</p> <ol style="list-style-type: none"> 1. <u>Corridor Open Space</u> - Corridor open spaces are areas through which wildlife and/or people may travel and which may connect residential or recreational areas. They may also be designed to provide leisure activities and for aesthetics. Typical corridors include rivers, creeks, utility easements, thoroughfares, scenic roads and recreation trails. Wetland and floodplain areas are often associated with water-based corridors. 2. <u>Pastoral Open Space</u> - Pastoral open spaces are areas identified and maintained for present. Resource based and passive recreation, which are compatible with the areas natural resources, may be present. Examples of pastoral open space areas may include Federal, State, or County 	<p><u>Comprehensive plan amendments to include karst features in the SCCP are shown in Exhibit B.</u></p> <p>Comprehensive plan amendments are not required on the basis that the County's existing land use strategies are consistent with the requirements of the <u>Wekiva Parkway and Protection Act</u> and with the guidelines published by the Department of Community Affairs.</p>

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		<p>parks and forests or other areas established for resource preservation.</p> <p>3. <u>Permanent Open Space</u> - Currently undeveloped rural lands such as forests, wetlands and open pastures which are prohibited from future development either through public ownership or legally binding use restrictions.</p> <p>4. <u>Utilitarian/Urban Open Space</u>- Utility open spaces are areas generally unsuited for development which may present a public safety or health hazard. These areas include floodplains, wetlands, water bodies, areas of poor soils, retention and detention drainage areas. Properly designed non-structural and landscaped retention areas may serve as an open space amenity.</p>	

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3	Provide mechanisms for protection of open space , such as conservation easements or public dedications.	<p>County mechanisms for protection of open space include acquisition, land dedication, development activities, and open space ratios. Examples include:</p> <ol style="list-style-type: none"> 1. Pursue lawful dedication of conservation easements for use as open space (<i>Policy CON 3.9 Conservation Easements/Dedication</i>). 2. Encourage planned unit developments and cluster type developments that preserve open space (<i>Policy FLU 1.5 Cluster Development and Policy FLU 14.8 Compliance Agreements Between Seminole County and the Florida Department of Community Affairs, B4</i>). 3. Residential density within the Wekiva River Protection Area, in the aggregate is one (1) dwelling unit per net buildable acre (<i>Policy FLU 14.3 Development Form of Land Area within the WRPA and Outside the East Lake Sylvan Transitional Area</i>). 4. Pursue acquisition of properties for open space preservation through the 	<p>Comprehensive plan amendments to include karst features in the SCCP are shown in Exhibit B.</p> <p>Comprehensive plan amendments are not required on the basis that the County's existing land use strategies are consistent with the requirements of the Wekiva Parkway and Protection Act and with the guidelines published by the Department of Community Affairs.</p>

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		<p>County's Natural Lands Program, and state and federal grants (<i>Policy REC 7.7 Significant Open Space and Natural Lands Acquisition, and Policy REC 6.2 Recreation Grants</i>).</p> <p>5. Pursuing acquisition of properties within the Wekiva River Protection Area (<i>Policy FLU 14.8 Compliance Agreements Between Seminole County and the Florida Department of Community Affairs, B6</i>).</p> <p>6. Preserve the Conservation Future Land Use Designation through continued implementation of the Wetland (W-1) and Flood Prone (FP-1) zoning classifications (<i>Policy REC 7.2 Conservation Land Use</i>).</p> <p>7. Work in conjunction with the State of Florida, the St. Johns River Water Management District, the Nature Conservancy, the Trust for Public Lands, and other appropriate agencies involved in conservation lands to create a Countywide open space system and a Greenways/Trails/Blueways system (<i>Policy REC 7.5 Agency</i></p>	

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		<p><i>Coordination).</i></p> <p>8. Provide that 30-40% of every community park should remain in open space (not developed for facilities) for passive recreation, wildlife habitat, aesthetics, etc. (<i>Policy REC 1.1 Community Parks</i>).</p> <p>9. Evaluate the LDC, on scheduled basis, to update definitions, standards and guidelines for the provision of open spaces (<i>Policy REC 7.1 Open Space Standards</i>).</p> <p>10. Enforce scenic roadway and SR 46 roadway corridors (<i>Policy FLU 14.6 Roadway Corridor Overlays for Markham Road, Longwood-Markham Road and Lake Markham Road, Policy FLU 14.7 State Road 46 Roadway Corridor Overlay/State Road 46 Environmental Considerations, and Section 30.1116, LDC, Creation of Scenic Roadway Corridor Overlays for Markham Road, Longwood-Markham Road and Lake Markham Road</i>).</p> <p>11. Preserve 50% of trees on developable sites and require upland buffers and prohibit encroachment into wetlands</p>	

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		<p>and floodplains (<i>Policy FLU 14.9 Wekiva River Protection Area Environmental Design Standards, A1 and A2</i>).</p> <p>12. Require PUD developments to provide a minimum 25% of common usable open space for residential development; 25% for non-residential development (<i>Section 30.451(e), LDC, Development Standards for Planned Unit Developments, and 30.1344(d), LDC, Open Space Ratios and Design Guidelines</i>).</p> <p>13. Enforce Open Space Ratios and Design Guidelines, including the provision for open space credits, established in the LDC (<i>Section 30.1344, LDC, Open Space Ratios and Design Guidelines</i>).</p> <p>14. Enforce Wekiva River Protection Area Environmental Design Standards (<i>Section 30.1109, LDC, Wekiva River Protection Area Environmental Design Standards</i>).</p>	

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4	Establish objectives for priorities and set targets for open space protection.	<p>County techniques for establishing objectives for priorities and set targets for open space protection include acquisition and land use amendments. Examples include:</p> <ol style="list-style-type: none"> 1. Seminole County administers one of the oldest voter-approved land acquisition programs, which is now in its second decade. Seminole County currently has assisted in or has acquired over 3,000 acres in the Wekiva River Protection Area (WRPA), and a much larger acreage figure is in public ownership in the WRPA in Seminole County. The Seminole State Forest, Lower Wekiva State Preserve, Audubon Society, St. Johns River Water Management District, and Seminole County have managed to protect a much larger percentage of the WRPA in Seminole County than other local governments, and of the local governments involved have been far more progressive (see Exhibit E). 	<p>Comprehensive plan amendments to include karst features in the SCCP are shown in Exhibit B.</p> <p>Comprehensive plan amendments are not required on the basis that the County's existing land use strategies are consistent with the requirements of the Wekiva Parkway and Protection Act and with the guidelines published by the Department of Community Affairs.</p>

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		<p>2. As an example, in 1998-99, pressures to develop in the northwest corner of Seminole County were at an all-time high, leading to a settlement agreement between Seminole County and the Department of Community Affairs, along with several local stakeholders. The result was one of the largest creations of policy in the Wekiva River Protection Area's history (<i>Policy REC 7.7 Significant Open Space and Natural Lands Acquisition</i>).</p> <p>2. One of the policies in the SCCP called for "Pursuing the acquisition of property within the Wekiva River Protection Area and the reassignment of land to the Recreation land use designation for the purpose of protecting natural resources..." This policy resulted in the "Yankee Lake Land Use Amendment" which... designated approximately 1,200 acres of the Yankee Lake Property as Recreation Land Use, bringing it under management of the Seminole County Natural Lands Program and also providing a very important east-west</p>	

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		<p>corridor by connecting the County's Riverside Ranch Wilderness Area with the Lower Wekiva River State Preserve". This amendment serves as a demonstration of the County establishing priorities and setting targets for open space protection (<i>Policy FLU 14.8 Compliance Agreements Between Seminole County and the Florida Department of Community Affairs</i>).</p> <p>3. In future ongoing efforts, the County will continue to pursue acquisition of properties for open space preservation through the County's Natural Lands Program and federal grants and will continue to work in conjunction with the State of Florida, the St. Johns River Water Management District, the Nature Conservancy, the Trust for Public Lands, and other appropriate agencies involved in conservation lands to create a Countywide open space system and a Greenways/Trails/Blueways system (<i>Policy REC 7.5 Agency Coordination</i>).</p>	

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		<p>4. When acquisitions are completed, the County's Future Land Use Map is typically amended to designate these properties the Public, Quasi-Public or Recreation Future Land Use designation (<i>FLU Exhibit-11 Future Land Use Map and FLU Exhibit 8 Conservation and Trails Corridors</i>).</p> <p>5. An example of the County's efforts establishing objectives for priorities and setting targets for open space protection are shown in <i>REC Exhibit-2 Greenways and Trails Masterplan</i>.</p> <p>6. The Recreation and Open Space Element includes the following objectives relating to open space:</p> <ul style="list-style-type: none"> a. <i>Objective REC 6 Funding of the Acquisition and Development of Open Space and Parks.</i> b. <i>Objective REC 7 Open Space Preservation.</i> 	

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5	Evaluate alternative land use strategies and analyze the amount of open space that needs to be protected.	<p>The Guidelines for preparing plan amendments related to the Wekiva Parkway and Protection Act, prepared by DCA, include the following examples of comprehensive plan strategies: (a) coordinated greenway plans; (b) dedication of conservation easements; (c) land acquisition; (d) clustering of development; (e) density credits and density incentives which result in permanent protection of open space; and (f) low to very low density development. Each of the above strategies, as described within this table, is currently being implemented within Seminole County. For example, the County currently enforces the following SCCP policies and regulations:</p> <p>a. <u>Coordinated greenways</u> - Work in conjunction with the State of Florida, the St. Johns River Water Management District, the Nature Conservancy, the Trust for Public Lands, and other appropriate agencies involved in conservation lands to create a Countywide open space</p>	<p><u>Comprehensive plan amendments to include karst features in the SCCP are shown in Exhibit B.</u></p> <p>Comprehensive plan amendments are not required on the basis that the County's existing land use strategies are consistent with the requirements of the Wekiva Parkway and Protection Act and with the guidelines published by the Department of Community Affairs.</p> <p><u>Notes:</u></p> <ol style="list-style-type: none"> 1. It is important to note that as a result of urbanization and smaller lot and parcel configurations, future acquisition of large areas of open space are limited within the Wekiva Study Area. Securing of future open space will occur through the development approval process and application of the land use strategies described in this table. 2. When choosing an appropriate land use strategy, the County will consider such factors as existing development, vacant developable

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		<p>system and a Greenways/Trails/Blueways system (<i>Policy REC 7.5 Agency Coordination</i>).</p> <p>b. <u>Dedication of easements</u> - Pursue lawful dedication of conservation easements for use as open space (<i>Policy CON 3.9 Conservation Easements/Dedication</i>).</p> <p>c. <u>Land acquisition</u> - Pursue acquisition of properties for open space preservation through the County's Natural Lands Program, and state and federal grants (<i>Policy REC 7.7 Significant Open Space and Natural Lands Acquisition, and Policy REC 6.2 Recreation Grants</i>).</p> <p>d. <u>Clustering</u> - Provide for planned unit developments and clustering of uses that preserve conservation areas and other open space and groundwater aquifer recharge areas (<i>Policy FLU 1.5 Cluster Development</i>).</p> <p>e. <u>Incentives for open space protection</u> - Provide for percentages of open space based on density and allow for a broad definition of open space</p>	<p>properties, land use patterns, and availability of services and facilities, etc. The ultimate decision regarding land use strategies will be in favor of protecting the County's goals, objectives and policies, as expressed in the Vision 2020 Seminole County Comprehensive Plan and Land Development Code of Seminole County.</p>

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		<p><i>(Section 30.1344, LDC, Open Space Ratios and Design Guidelines).</i></p> <p>f. <u>Low density development</u> - The Wekiva Study Area in unincorporated Seminole County may be described as an essentially developed urbanized area consisting predominantly of low density single family, multi-family, commercial, office, and public uses. Development is regulated by the Goals, Objectives and Policies contained in the Vision 2020 Seminole County Comprehensive Plan and Future Land Use Map, and requirements of the Land Development Code of Seminole County <i>(FLU Exhibit-11 Future Land Use Map and Section 1.1, LDC).</i></p>	

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Property Rights Protection			
6	Evaluate the effect of the land use strategies on property rights protection and the extent development factors may affect the applicability of the strategies.	The County evaluates the effect of land use strategies on property rights pursuant to Objective FLU 12 Protection of Private Property Rights, and related policies (<i>Objective FLU 12 Protection of Private Property Rights</i>).	<p><u>Comprehensive plan amendments to include karst features in the SCCP are shown in Exhibit B.</u></p> <p>Comprehensive plan amendments are not required on the basis that the County's existing land use strategies are consistent with the requirements of the Wekiva Parkway and Protection Act and with the guidelines published by the Department of Community Affairs.</p> <p><u>Notes:</u> Adopted text amendments to the County's Comprehensive are supported by a Private Property Rights Analysis and Economic Impact Statement.</p>

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7	Amend the future land use map to protect areas of open space . The amendments may include conservation or preservation areas with low to very low density, greenway plans, and overlay districts, where appropriate. If a transfer of development rights program is to be adopted include sending and receiving areas on the future land use map.	<p>The County's Future Land Use Map protects open space in the following manner:</p> <ol style="list-style-type: none"> 1. The SCCP Future Land Use Map depicts areas protected as open space. These may be designated as Conservation, Public, Quasi-Public and Recreation on the SCCP (<i>Future Land Use Map FLU Exhibit-11, Future Land Use Map, Policy REC 7.2 Conservation Land Use, and FLU Exhibit-8 Conservation and Trails Corridors</i>). 2. The SCCP establishes one (1) dwelling unit per net buildable acre as the final development form for the Wekiva River Protection Area to maintain rural density and character in the aggregate (<i>Policy FLU 14.3 Development Form of Land Area within the WRPA and Outside of the East Lake Sylvan Transitional Area</i>). 3. Lands within the Wekiva Study Area are predominantly build as low density single family development, multi- 	<p>Comprehensive plan amendments are not required on the basis that the County's existing land use strategies are consistent with the requirements of the Wekiva Parkway and Protection Act and with the guidelines published by the Department of Community Affairs.</p>

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		<p>family, commercial, office, and public uses (<i>FLU Exhibit-11 Future Land Use Map</i>).</p> <p>4. Greenways, trails, parks, recreation areas, natural lands, dedicated conservation easements, and potential greenways are depicted on <i>REC Exhibit-2 Greenways and Trails Master Plan (REC Exhibit-2 Greenways and Trails Masterplan and Policy REC 7.5 Agency Coordination)</i>.</p> <p>5. Preserve the Conservation Future Land Use Designation through continued implementation of the Wetland (W-1) and Flood Prone (FP-1) zoning classifications (<i>FLU Exhibit-11 Future Land Use Map</i>).</p> <p>6. At this time, no transfer of development rights program is anticipated for adoption by Seminole County for the Wekiva Study Area. This concept would not be applicable in this highly urbanized area of Seminole County.</p>	

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8	Adopt supporting goals, objectives and policies to implement priorities of open space , targets for open space protection, mechanisms for protection and the land use strategy option(s) selected. Based on the land use strategy selected the policies may include provisions to implement clustering of development through open space overlay districts or zoning districts, density credits or incentives programs, or transfer of development rights programs.	Goals, objectives and policies from the Vision 2020 Seminole County Comprehensive Plan and regulations from the Land Development Code of Seminole County to acquire and protect open space within the Wekiva Study Area are clearly set forth in this table.	<p>Comprehensive plan amendments to include karst features in the SCCP are shown in Exhibit B.</p> <p>Comprehensive plan amendments are not required on the basis that the existing County provisions satisfy DCA Guidelines for compliance with the Wekiva Parkway and Protection Act.</p>

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8A	Amend the comprehensive plan to establish land use strategies that optimize open space and promotes a pattern of development on a jurisdiction-wide basis that protects the most effective recharge areas, karst features, and sensitive natural habitats including longleaf pine, sand hill, sand pine, and xeric oak scrub.	Goals, objectives and policies from the Vision 2020 Seminole County Comprehensive Plan and regulations from the Land Development Code of Seminole County are clearly set forth in this table to accomplish the goals of the Wekiva Parkway and Protection Act in relation to land use strategies that: 1. Optimize open space; 2. Protect most effective recharge areas; 3. Protect karst features; and 4. Protect sensitive natural habitats.	Proposed comprehensive plan amendments and potential LDC changes cited in this table are shown in Exhibits A and B.

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MASTER STORMWATER MANAGEMENT PLAN			
9	Amend the appropriate elements of the comprehensive plan, including the Capital Improvements Element, to ensure implementation of the master stormwater management plan required by the Wekiva Parkway and Protection Act.	There are currently no SCCP or LDC provisions exclusively relating to the master stormwater management plan in the Wekiva River Protection Area or the Wekiva Study Area.	<p>The County shall propose comprehensive plan amendments prior to 2006 and LDC changes, if needed, at time of acceptance by the County of to address the master stormwater management plan.</p> <p><u>Notes:</u> The master stormwater management plan was must be completed in November 2005 by January 1, 2006. Fifteen local governments, including Seminole County, are within the Wekiva Study Area and are affected by the Wekiva Parkway and Protection Act. All but one (1) of the 15 local governments is participated participating in the development of the regional master stormwater management plan to meet the provisions of the Wekiva Parkway and Protection Act. This multi-jurisdictional effort, which will involve involved input from all stakeholders, is being managed by the SJRWMD.</p>

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WASTEWATER FACILITY PLAN			
10	Amendments to the appropriate elements of the comprehensive plan to ensure implementation of the wastewater facility plan required by the Wekiva Parkway and Protection Act.	There are currently no SCCP or LDC provisions exclusively relating to the wastewater facility plan in the Wekiva River Protection Area or Wekiva Study Area.	<p>The County shall propose comprehensive plan amendments prior to 2006 and LDC changes, if needed, at time of completion of to address the wastewater facility plan.</p> <p><u>Notes:</u> Draft revisions to the The wastewater facility plan were must be completed in November 2005 by January 1, 2006. The County is preparing its own plan for County facilities.</p>
11	Include policies to assist with Florida Communities Trust purchases, where applicable.	There are currently no SCCP or LDC provisions directly relating to the with Florida Communities Trust land acquisition grant program; however, the County has been successful in securing grants for parks and natural lands acquisition. Also, Seminole County has been an active participant in the Florida Forever/Florida Communities Trust program since it was created, having been awarded grants several times, and we were the only County in the State to have been awarded three grants during one cycle (2002).	Comprehensive plan amendments to include the Florida Communities Trust program into the SCCP are shown in Exhibit B.

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ADDITIONAL REQUIREMENTS OF THE WEKIVA PARKWAY AND PROTECTION ACT
(Not in DCA Checklist)

10 Year Water Supply Facility Work Plan

12	An up-to-date 10-year water supply facility work plan for building potable water facilities necessary to serve existing and new development and for which the local government is responsible as required by <i>Section 163.3177(6)(c), Florida Statutes</i> .	The County has prepared a 10 Year Water Supply Facility Work Plan, pursuant to <i>Section 163.3177(6)(c), Florida Statutes</i> , and the Plan has been reviewed by the Department of Community Affairs.	<p>Revised comprehensive plan amendments creating the 10 Year Water Supply Facility Work Plan will be completed and transmitted to DCA by December 1, 2006.</p> <p><u>Notes:</u> The County shall coordinate with the SJRWMD to implement solutions for development of alternative water sources necessary to supplement groundwater supplies consistent with the SJRWMD Regional Water Supply Plan.</p>
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Exhibit D
CHECKLIST FOR PREPARING COMPREHENSIVE PLAN AMENDMENTS
WEKIVA PARKWAY AND PROTECTION ACT
(Part III, Chapter 369, Florida Statutes)
SEMINOLE COUNTY, REVISED DECEMBER JULY 2005*

No.	Subject	Existing County Provisions	Comprehensive Plan Amendment(s)
<i>Recognition of Wekiva Parkway</i>			
13	Local governments within which the Wekiva Parkway is planned shall amend their local government comprehensive plan to include the Wekiva Parkway, Section 369.321(1), Florida Statutes.	<p>There are currently no SCCP or LDC provisions regarding the Wekiva Parkway.</p> <p>It should be understood that the Florida Department of Transportation (FDOT) is currently conducting the Project Development and Environment Study for the Wekiva Parkway, and by state and federal law, FDOT must look at the parkway corridor defined by the Wekiva Parkway and Protection Act.</p> <p>The position of Seminole County on the Wekiva Parkway within the County is that the parkway should be a controlled access facility contained within or adjacent to the current SR 46 right-of-way. All efforts should be made to maintain access to properties along the SR 46 corridor, and access to these properties may need to be provided via a frontage road system.</p>	<p><u>The County shall propose comprehensive Comprehensive plan amendments prior to 2006 to include the Wekiva Parkway into the SCCP shall be adopted by January 1, 2006.</u></p> <p><u>Notes:</u></p> <ol style="list-style-type: none"> 1. No alignment has been set for the proposed Parkway. In Seminole County, the Seminole County Expressway Authority, the Department of Transportation, and the Florida Turnpike Enterprise shall locate the precise corridor and interchanges for the Wekiva Parkway consistent with the legislative intent expressed in the Wekiva Parkway and Protection Act, <i>Section 369.317(5), Florida Statutes</i>. Once a centerline is established, the roadway will be depicted in appropriate section(s) of this comprehensive plan. 2. Seminole County is exempted from the requirement for preparation of

Exhibit D
CHECKLIST FOR PREPARING COMPREHENSIVE PLAN AMENDMENTS
WEKIVA PARKWAY AND PROTECTION ACT
(Part III, Chapter 369, Florida Statutes)
SEMINOLE COUNTY, REVISED DECEMBER JULY 2005*

No.	Subject	Existing County Provisions	Comprehensive Plan Amendment(s)
			interchange land use plans for local governments hosting an interchange along the proposed Wekiva Parkway, by Senate Bill 908 "Glitch Bill".
14	Implementing land development regulations shall be adopted no later than January 1, 2007.	There are currently no SCCP or LDC provisions regarding the Wekiva Parkway and Protection Act.	Implementing land development regulations shall be adopted no later than January 1, 2007.

Exhibit D
CHECKLIST FOR PREPARING COMPREHENSIVE PLAN AMENDMENTS
WEKIVA PARKWAY AND PROTECTION ACT
(Part III, Chapter 369, Florida Statutes)
SEMINOLE COUNTY, REVISED DECEMBER JULY 2005*






No.	Subject	Existing County Provisions	Comprehensive Plan Amendment(s)
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***Notes:**

1. The goals, objectives, policies, and land development regulations cited in this table can be found in the Seminole County Comprehensive Plan (Vision 2020 – A Guide to the Journey Ahead) and Land Development Code of Seminole County on file with the Department. These documents are on the World Wide Web at <http://www.seminolecountyfl.gov/pd/planning/compplan.asp> and <http://www.seminolecountyfl.gov/guide/codes.asp>. These documents may be on file with the Department of Community Affairs.
2. As required by Section 369.319, Florida Statutes, the boundary of the Wekiva Study Area is on the several exhibits cited in this table for incorporation into the County's Comprehensive plan.
3. This DCA Checklist is published in Guidelines for Preparing Comprehensive Plan Amendments for the Wekiva Study Area pursuant to the Wekiva Parkway and Protection Act, Florida Department of Community Affairs, February and March 2005.
4. The documentation used to create plan policies and land development regulations to implement the Wekiva Parkway and Protection Act will be included in the Support Documentation to the Seminole County Comprehensive Plan on file in the Seminole County Planning Division Office.
5. This table references the following requirements of the Wekiva Parkway and Protection Act:
 - a. Implementation of a master stormwater management plan;
 - b. Implementation of a wastewater facility plan required;
 - c. An up to date 10-year water supply facility work plan; **and**
 - d. Recognition of the Wekiva Parkway; and**
 - e. Adoption of land development regulations to implement the goals, objectives and policies of the Wekiva Parkway and Protection Act.
6. These items are included in this table to acknowledge each of the items within the checklist published by the Department of Community Affairs. Staff will prepare amendments to the Seminole County Comprehensive Plan and schedule public hearings, as required, in the Fall of 2005 to address these items.
7. Abbreviations – EAR (Evaluation and Appraisal Report); CON (Conservation); DRG (Drainage); FLU (Future Land Use); REC (Recreations and Open Space).

Wekiva Assessment Area (Exhibit E)

Legend

-  Parcels
-  Public Lands
-  Wekiva Study Area
-  Wekiva River Protection Area
-  City Limits



1 inch equals 9,213 feet

Source: Seminole County
Cartographics June 2005

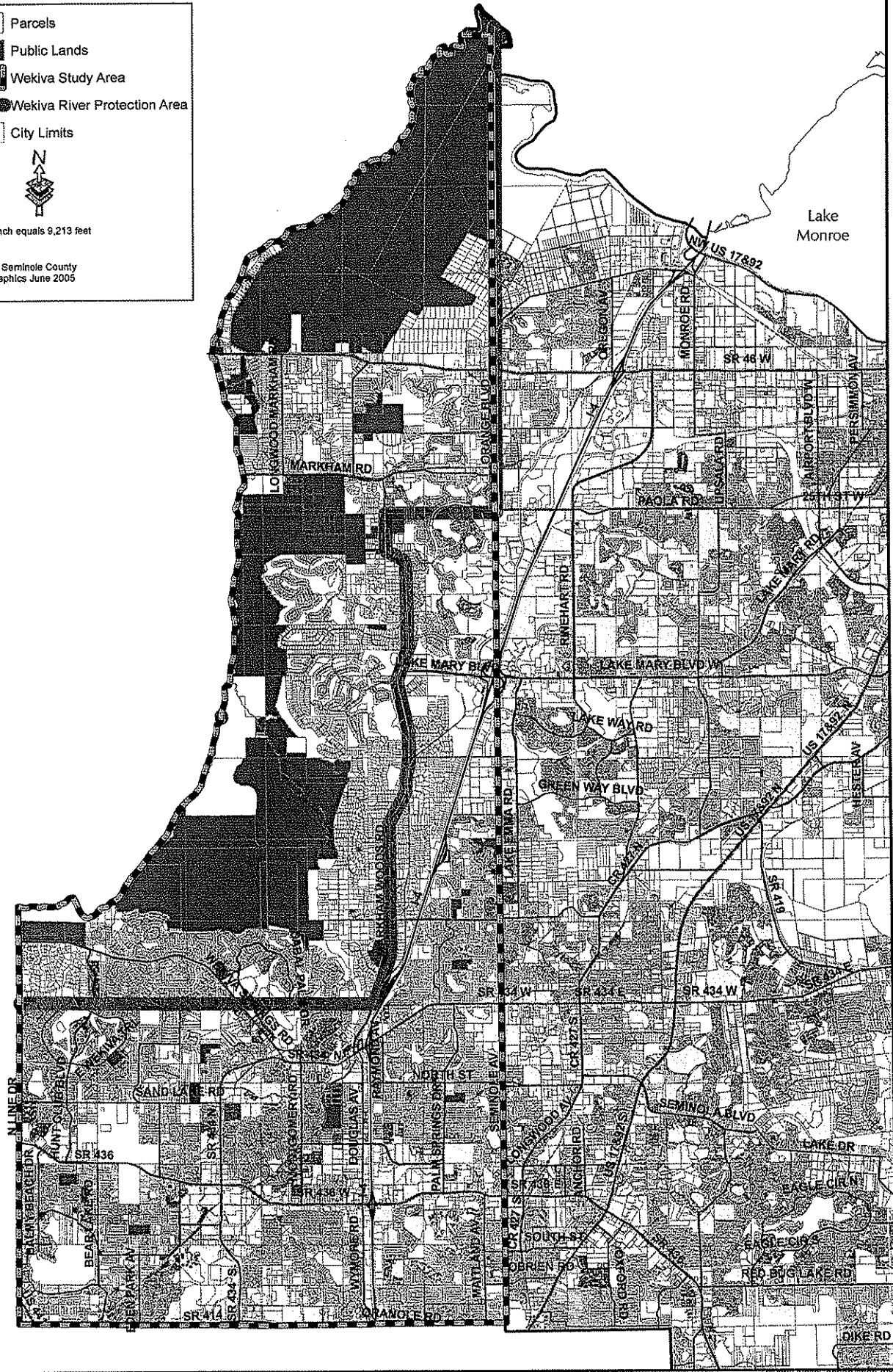


Exhibit F

Additional Requirements of the Wekiva Parkway and Protection Act

Exhibit D lists the following additional comprehensive plan amendment requirements of the Act due for **transmittal in 2005** ~~completion by 2006~~:

1. Implementation of a master stormwater management plan;
2. Implementation of a wastewater facility plan;
3. An up to date 10-year water supply facility work plan; and
4. Recognition of the Wekiva Parkway in the SCCP.

These items above are for information and as acknowledgement that additional work is required to meet the comprehensive plan provisions of the Act.

Exhibit G

Character of Wekiva Area

There are approximately 33,000 acres in the Study Area within unincorporated Seminole County.¹ The Study Area also encompasses the land area within the statutorily defined "Wekiva River Protection Area", approved by the Florida Legislature in the 1980s, which contain approximately 19,883 acres.

As shown in Exhibit E (Wekiva Area Assessment) the Study Area is an essentially developed urbanized area consisting predominantly of low density single family, multi-family, commercial, office, and public uses (see Exhibit C). The Study Area is a substantially built out area where development activities have impacted most effective recharge, karst features and sensitive natural habitats. Consequently, opportunities to protect natural resources in the Study Area in the future will focus more on preservation of resources at time of development/redevelopment approval (e.g., rezonings, site plans, etc.) by way of implementation of applicable land use strategies. More intense urbanization exists within the Study Area, outside the Wekiva River Protection Area.

Seminole County has an outstanding record of protecting the natural resources in the Wekiva River Protection Area, such as:

1. Establishing one (1) dwelling unit per net buildable acre as the final development form within the Wekiva River Protection Area;
2. Encouraging cluster developments that preserve conservation areas and that protect rare upland habitat and other open space and groundwater aquifer recharge areas;
3. Preserving 50 percent of trees within developable areas of a site;
4. Prohibiting disruption of wetlands and flood prone areas;
5. Creating environmental design standards;
6. Creating roadway overlays; and
7. Assisting with or acquiring over 3,000 acres for perpetual preservation within the Wekiva River Protection Area.

As noted above, the Study Area encompasses those lands located within the Wekiva River Protection Area. Some of the objectives and policies of the SCCP relating to the Wekiva River Protection Area also apply to the Study Area.

In 1999, Seminole County, the Department of Community Affairs and numerous other persons/entities entered into a "Global Compliance Agreement" which mandated the creation of "remedial amendments" to the SCCP. These

¹Guidelines for Preparing Comprehensive Plan Amendments for the Wekiva Study Area, pursuant to the Wekiva Parkway and Protection Act, Department of Community Affairs, 2005, page 20). The Wekiva Study Area includes 15 local governments, op. cit., page 5.

amendments resulted in the adoption of Objective FLU 14 (Preservation of the Rural Character and Natural Resources of the Wekiva River Protection Area) and related policies to the SCCP to "...protect natural resources and ensure the long term viability of the Wekiva River Protection Area..." This agreement also resulted in a number of amendments to the LDC to further the objective of resource protection and environmental design within the Wekiva River Protection Area.

Exhibit H

Support Documentation

Support documentation used to create plan policies and land development regulations is on file in the Seminole County Planning Division Office. Support documentation is required by the Guidelines published by the Department of Community Affairs. Documentation considered by Seminole County, but not necessarily applied, in preparing staff findings and recommendations includes:

1. Florida Communities Trust 2003-2004 Annual Report.
2. Guidelines for Preparing Comprehensive Plan Amendments for the Wekiva Study Area, pursuant to the Wekiva Parkway and Protection Act, Department of Community Affairs, 2005. Data included on the proposed maps in this report are from information published in these Guidelines.
3. Land Development Code of Seminole County.
4. Model Ordinance to Protect Local Resources, US Environmental Protection Agency.
5. Protecting Florida's Springs – Land Use Planning Strategies and Best Management Practices, Florida Department of Community Affairs and Florida Department of Environmental Protection, 2002.
6. Seminole County Comprehensive Plan (Vision 2020 - A Guide to the Journey Ahead).
7. Seminole County Responses to the Department of Community Affairs Recommendations to the Wekiva River Basin Coordinating Committee for Enhanced Comprehensive Planning and Land Development Regulations, Seminole County Planning and Development Department, 2003.
8. Wekiva Basin Area Task Force Final Report, 2003.
9. Wekiva Parkway and Protection Act (Part III, Chapter 369, Florida Statutes).
10. Wekiva River Basin Coordinating Committee Final Report, 2004.
11. Wekiva Study Area City/County Surface and Groundwater Protection Evaluation, Department of Environmental Protection, 2003.

Exhibit I
Revisions in Shading

Seminole County
PRIVATE PROPERTY RIGHTS ANALYSIS
Wekiva Parkway and Protection Act (in part)

Date:	12/20/05	Department/Division:	Planning and Development- Planning Division
Contact:	Tony Matthews	Phone:	407-665-7396
Action:	Transmit to the Department of Community Affairs for a finding of compliance/noncompliance, the proposed text amendments to the Conservation, Future Land Use, and Recreation and Open Space Elements of the Seminole County Comprehensive Plan to implement the requirements of the Wekiva Parkway and Protection Act (Part III, Chapter 369, Florida Statutes) with staff findings.		
Topic:	Text amendments to the Conservation, Future Land Use, and Recreation and Open Space Elements of the Seminole County Comprehensive Plan to implement the requirements of the Wekiva Parkway and Protection Act (Part III, Chapter 369, Florida Statutes).		

Describe Project/Proposal

The County is proposing to amend the Seminole County Comprehensive Plan by amending existing policies, and creating new policies, of the Conservation, Future Land Use, and Recreation and Open Space Elements to implement the requirements of the Wekiva Parkway and Protection Act (Part III, Chapter 369, Florida Statutes).

In 2004, the Florida Legislature passed the "Wekiva Parkway and Protection Act" (Part III, Chapter 369, Florida Statutes) for the broad purpose of: (a) protecting surface and groundwater resources through a variety of land use strategies; (b) promoting the continuity of effective and innovative planning and development activities; and (c) authorizing development of the Wekiva Parkway, all occurring within the statutorily defined "Wekiva Study Area" (Section 369.316, Florida Statutes) (see Additional Background and Staff Findings). The Wekiva Parkway and Protection Act (the "Act") requires the affected local governments to make changes to their comprehensive plans. The County's proposed text amendments satisfy the requirements of the Act.

Section 369.321(3) of the Act requires local governments to adopt comprehensive plan amendments no later than January 1, 2006, to create land use strategies for lands within the Wekiva Study Area (the "Study Area"). These strategies shall optimize open space and promote a pattern of development that protects certain resources defined in the Act.

Estimated Economic Impact on Individuals, Businesses, or Government

Impacts to individuals and businesses may result from complying with these proposed amendments and any related land development regulations. For example, compliance with best management practices to protect open space, most effective recharge areas, karst features, and sensitive natural habitat may result in additional expenses associated with the development approval process. Compliance with these text amendments may also limit the density and/or intensity of future development within the Wekiva Study Area.

Existing development rights with respect to the type of permitted and conditional uses, based on the assigned future land use designations and zoning classifications for properties within the Wekiva Study Area are ensured through the several goals, objectives, and policies of the Seminole County Comprehensive Plan (Vision 2020 Plan), and the applicable regulations within the Land Development Code of Seminole County.

Seminole County recognizes that it has the responsibility and duty to both insure that public facilities are available concurrent with the impacts of development and to protect private property rights, which have vested in owners of parcels of real property.

Objective FLU 12 Private Property Rights Act, of the Seminole County Comprehensive Plan (Vision 2020 Plan) states: "The County shall fully implement the provisions of the Bert J. Harris, Jr., Private Property Rights Protection Act (Section 1, Chapter 95-181, Laws of Florida). Each staff recommendation relative to any land use decision shall consider the provisions of that Act and other general principles of law relating to the appropriate regulation of land without said regulation resulting in the taking of private property rights."

Impacts to County operations may result from developing and implementing the proposed policies and any related governmental regulations, and from revenues generated from business and/or individuals to comply with new policies and related development regulations.

Anticipated New, Increased or Decreased Revenues

These amendments may affect revenues relating to the cost to local government in implementing new/amended policies and revenues generated from business and/or individuals to comply with new/amended policies.

Method Used in Determining Analysis

The method of analysis involved the potential impacts from adopting the proposed amendments to the Seminole County Comprehensive Plan (Vision 2020 Plan) and professional expertise.

Citation

Seminole County Comprehensive Plan (Vision 2020 Plan).

See proposed amendments to Vision 2020 Plan (Amendments 05F.TXT01.01 through 05F.TXT01.03, and 05F.TXT02.01 through 05F.TXT02.11).

Exhibit J

Seminole County ECONOMIC IMPACT STATEMENT Wekiva Parkway and Protection Act (in part)

Date:	12/20/05	Department/Division:	Planning and Development- Planning Division
Contact:	Tony Matthews	Phone:	407-665-7396
Action:	Transmit to the Department of Community Affairs for a finding or compliance/noncompliance, the proposed text amendments to the Conservation, Future Land Use, and Recreation and Open Space Elements of the Seminole County Comprehensive Plan to implement the requirements of the Wekiva Parkway and Protection Act (Part III, Chapter 369, Florida Statutes) with staff findings.		
Topic:	Text amendments to the Conservation, Future Land Use, and Recreation and Open Space Elements of the Seminole County Comprehensive Plan to implement the requirements of the Wekiva Parkway and Protection Act (Part III, Chapter 369, Florida Statutes).		

Describe Project/Proposal

The County is proposing to amend the Seminole County Comprehensive Plan by amending existing policies, and creating new policies, of the Conservation, Future Land Use, and Recreation and Open Space Elements to implement the requirements of the Wekiva Parkway and Protection Act (Part III, Chapter 369, Florida Statutes).

In 2004, the Florida Legislature passed the "Wekiva Parkway and Protection Act" (Part III, Chapter 369, Florida Statutes) for the broad purpose of: (a) protecting surface and groundwater resources through a variety of land use strategies; (b) promoting the continuity of effective and innovative planning and development activities; and (c) authorizing development of the Wekiva Parkway, all occurring within the statutorily defined "Wekiva Study Area" (Section 369.316, Florida Statutes) (see Additional Background and Staff Findings). The Wekiva Parkway and Protection Act (the "Act") requires the affected local governments to make changes to their comprehensive plans. The County's proposed text amendments satisfy the requirements of the Act.

Section 369.321(3) of the Act requires local governments to adopt comprehensive plan amendments no later than January 1, 2006, to create land use strategies for lands within the Wekiva Study Area (the "Study Area"). These strategies shall optimize open space and promote a pattern of development that protects certain resources defined in the Act.

Describe the Direct Economic Impact of the Project/Proposal upon the Operation of the County

Impacts to County operations may result from developing and implementing the proposed policies and any related governmental regulations, and from revenues generated from business and/or individuals to comply with new policies and related development regulations.

Describe the Direct Economic Impact of the Project/Proposal upon the Property Owners/Tax Payers/Citizens who are Expected to be Affected

Impacts to individuals and businesses may result from complying with these proposed amendments and any related land development regulations. For example, compliance with best management practices to protect open space and other natural resources, may result in additional expenses associated with the development approval process.

Identify and Potential Indirect Economic Impacts, Positive or Negative, Which Might Occur as a Result of the Adoption of the Ordinance

Protection of natural resources, such as sensitive natural habitat, will positively affect tourism (Seminole County as "Florida's Natural Choice") which will sustain growth in this economic sector. Protection of groundwater resources will positively affect the economy via safe potable water for all residents.

The subject comprehensive plan amendments will have no negative economic impacts.

Citation

Seminole County Home Rule Charter.

See proposed amendments to Vision 2020 Plan (Amendments 05F.TXT01.01 through 05F.TXT01.03, and 05F.TXT02.01 through 05F.TXT02.11).

Exhibit K

MINUTES FOR THE SEMINOLE COUNTY LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION JULY 13, 2005

Members Present: Beth Hattaway, Dudley Bates, Walt Eismann, Matthew Brown, Richard Harris

Member absent: Ben Tucker (Note: The Commission is short one member due to the resignation of one commissioner.)

Also present: Matt West, Planning Manager; Tony Walter, Assistant Planning Manager; Dan Matthys, Director of Planning and Development; Jeffrey Hopper, Senior Planner; Tony Matthews, Principal Planner; Rebecca Hammock, Principal Planner; Kimberley Romano, Assistant County Attorney; Tom Radzai, Senior Engineer; Jerry McCollum, County Engineer, and Candace Lindlaw-Hudson, Senior Staff Assistant.

I. Wekiva Parkway and Protection Act Related Text Amendments; Seminole County; Applicant; text amendments to the Conservation, Future Land Use, and Recreation and Open Space Elements of the Seminole County Comprehensive Plan to implement the requirements of the Wekiva Parkway and Protection Act (Part III, Chapter 369, Florida Statutes). (05FTXT01.01 through 05FTXT02.09).

Unincorporated Seminole County
Tony Matthews, Principal Planner

A special briefing by staff on this item was presented by Tony Matthews at the beginning of the meeting, and presentation of the staff report later in the evening looked at land use strategies.

Mr. Matthews stated that if one looks at the strategies, there is more than just land use. There are transportation issues, potable water, sanitary sewer, and stormwater issues as well. Staff would like to make the experts available early in the meeting.

Jerry McCollum, County Engineer, spoke first. He is the engineering liaison for the Seminole County Expressway Authority. Over the last 4 years the Governor has set up various committees to deal with setting up a corridor for the "Old Western Beltway" that goes around the area. Legislation has come out dealing with the corridor. At this point, the DOT, around November, will have some potential corridors to suggest. As of now, no one knows where. Funding is provided for the purchasing of right of way in Lake County. No funding has been

provided here. There is no commitment to provide a completion date. Ten years would be a good goal.

Commissioner Bates asked where the corridor is in relation to Metroplan.

Jerry McCollum stated that at this stage this project is on the Needs Plan, which looks at unfunded projects for Orange, Seminole, and Osceola counties. There is also a projected plan for the eastern beltway from the GreeneWay over to US 95.

Mark Flomerfelt of the Roads/Stormwater Division spoke about the report being prepared for a January 2006 completion date. He is examining the stormwater plan in the area.

Commissioner Harris asked about the major objectives.

Mr. Flomerfelt stated that they were looking into using stormwater to recharge the aquifer.

Commissioner Hattaway asked about a cleanout of streams and rivers.

Mr. Flomerfelt stated that natural systems were not looked at in the study.

Dave Gregory, Acting Environmental Services Director, said that he is studying the wastewater treatment facilities and their discharge. Another interesting topic under examination is the phasing out of septic tanks. About 200 homes now currently abut a wastewater line. In 10 years, there will be 1,000 homes abutting wastewater lines. We are looking at strategies as to how we can phase out septs and connect to the lines. The Department of Health will be involved in the strategies to be developed.

Commissioner Hattaway asked if any strategies are being worked out to decrease the homeowner expense of hooking up to the sewer lines.

Mr. Gregory stated that they were not at that point yet.

Commissioner Brown asked if there would be any difference between a high-pressure line and a gravity line for hook up.

Mr. Gregory said that he did not think there would be a difference. There would be some kind of grinder pump hooked into the force main.

Commissioner Bates asked if there is a target date for when all septic tanks will be phased out.

Mr. Gregory said that such action was too far out to set dates.

Dick Boyer, Senior Planner in the Planning Department, stated that a long-range water supply facilities plan is being devised to address the increased use of water. Conservation, alternative water supplies, and fees are on tap. One of the sources to take the burden off the underground aquifer is the St. Johns River. Previously the LPA/P&Z has been briefed on the proposed plan. The time line for the water plan was extended, to be considered in the spring of 2006.

Part II of presentation:

I. Wekiva Parkway and Protection Act Related Text Amendments; Seminole County; Applicant; text amendments to the Conservation, Future Land Use, and Recreation and Open Space Elements of the Seminole County Comprehensive Plan to implement the requirements of the Wekiva Parkway and Protection Act (Part III, Chapter 369, Florida Statutes). (05FTXT01.01 through 05FTXT02.09).

Unincorporated Seminole County
Tony Matthews, Principal Planner

Mr. Matthews stated that in 2004 the state legislature passed the second of two major documents protecting the ground water in the Wekiva Study area. The purpose of this act is to protect surface and ground water resources, promote contiguity of effective planning and to authorize the development of the Wekiva Parkway. This is in the Wekiva Study area.

Mr. Matthews showed a map demonstrating the 15 jurisdictions participating in this by statute. The area encompasses over 300,000 acres.

The County is required to adopt comprehensive plan amendments no later than January 1, 2006, that creates land use strategies for lands within the Wekiva Study Area. These strategies shall optimize open space and promote a pattern of development that protects certain resources, plan amendments that protect private property rights, update stormwater and wastewater master plans, and to adopt a 10-year water supply facility plan. By 2007 local governments are required to adopt land development regulations to implement the above policies.

Mr. Matthews stated that tonight we are focusing on the land use strategies of the Act. It is our belief that the County already meets the bulk of the strategies. The exceptions are Karst Features, and sensitive natural habitats.

Mr. Matthews explained the purposes of the multiple exhibits in the staff report and how these are for support of the proposed plan policies.

Staff findings state:

1. The existing goals, objectives and policies within the Seminole County Comprehensive Plan to protect most effective recharge areas and open space within the Wekiva Study Area are consistent with the requirements of the Wekiva Parkway and Protection Act and with the land use strategies recommended in the Guidelines published by the Department of Community Affairs;
2. The proposed text amendments in Exhibits A and B are consistent with the Wekiva Parkway and Protection Act and with the Guidelines published by the Department of Community Affairs; and
3. The proposed text amendments in Exhibits A and B will further the goals of the Wekiva Parkway and Protection Act to protect surface and groundwater resources through a variety of land use strategies and to promote the continuity of effective and innovative planning and development activities within the Wekiva Study Area.

Staff recommends transmittal and adoption of the proposed text amendments to implement the requirements of the Wekiva Parkway and Protection Act.

Mr. Matthews stated that he had notified about 25 agencies of the policies. He stated that Keith Schue of the Nature Conservancy had a comment about the number of acres of remaining recharge areas in the County and about pre/post stormwater issues. Mr. Matthews stated that he will look into each of the issues.

Commissioner Brown made a motion to recommend transmittal.

Commissioner Hattaway seconded the motion.

The motion passed unanimously (5 – 0).

Exhibit L

WEKIVA PARKWAY AND PROTECTION ACT PUBLIC HEARING SCHEDULE

This table provides a public hearing schedule for the major portions of the Wekiva Parkway and Protection Act. Some of the public hearing dates are tentative and subject to change.

No.	Major Task	Consultant Work Complete	LPA Public Hearing	First BCC Public Hearing	Second BCC Public Hearing
1.	Land Use Strategies	NA	7/13/05	8/23/05	12/20/05
2.	Master Stormwater Management Plan comprehensive plan policies*	9/30/05	11/2/05 12/7/05	12/20/05**	3/14/06
3.	Wastewater Facility Plan comprehensive plan policies*	8/1/05	11/2/05 12/7/05	12/20/05**	3/14/06
4.	Recognition of Wekiva Parkway in Comprehensive Plan	NA	11/2/05 12/7/05	12/20/05**	3/14/06
5.	10 Year Water Supply Facility Work Plan and comprehensive plan policies	NA	1/18/06	2/14/06**	5/9/06
6.	Land Development Code Amendments	NA	9/6/06	11/14/06	12/12/06

*Dates are dependent upon completion of stormwater and wastewater plans. This schedule ~~will~~ allows time for review of the completed master stormwater management plan and wastewater facility plan and create implementing plan policies for transmittal to the Department of Community Affairs by January 1, 2006. **Camp Dresser and McKee published the draft Wekiva Parkway and Protection Act Master Stormwater Management Plan. Reiss Environmental published the draft Wekiva Area Protection Legislation Final Wastewater Evaluation.**

**Comprehensive plan policies to implement the Wekiva Parkway and Protection Act are exempt from the twice-yearly statutory limitation on plan amendment submittals [see Section 369.321(5), Florida Statutes].

Exhibit M

BCC MEETING
AUGUST 23, 2005

CONSIDERATION OF TEXT AMENDMENTS FOR WEKIVA PARKWAY & PROTECTION ACT

Proof of publication, as shown on page _____, calling for a public hearing to consider Text Amendments to the Seminole County Comprehensive Plan to implement the requirements of the Wekiva Parkway and Protection Act, received and filed.

Planner, Tony Matthews, addressed the Board to present the request, advising the Wekiva Parkway & Protection Act requires the affected local governments to make changes to their comprehensive plans. He further advised the staff recommends transmittal of the proposed text amendments to the Conservation, Future Land Use, and Recreation and Open Space Elements of the Seminole County Comprehensive Plan.

No one spoke in support or in opposition.

Motion by Commissioner Morris, seconded by Commissioner Carey to transmit to the Department of Community Affairs for review and comment, the proposed Text Amendments to the Conservation, Future Land Use, and Recreation and Open Space Elements of the Seminole County Comprehensive Plan, which will implement the requirements of the Wekiva Parkway and Protection Act, as described in the proof of publication, with staff findings.

Districts 1, 2, 3, 4 and 5 voted AYE.

Exhibit N

NOTICE OF AMENDMENT ORDINANCE

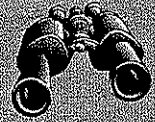
Adoption of the 2005 Fall Cycle Large Scale Amendment Ordinance

Should the Board of County Commissioners (the " Board") move to adopt an amendment ordinance for this hearing item, a single ordinance will be presented to the Board for enactment following the last large scale amendment hearing of this cycle. The ordinance presented to the Board for enactment will include all the previously approved hearing items, if any, for this large scale amendment cycle. The proposed ordinance title is:

AN ORDINANCE AMENDING THE VISION 2020 SEMINOLE COUNTY COMPREHENSIVE PLAN; AMENDING THE CONSERVATION, FUTURE LAND USE AND RECREATION AND OPEN SPACE ELEMENTS OF THE COMPREHENSIVE PLAN; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit O

Vision 2020 Comprehensive Plan Seminole County, Florida



OBJECTIVE FLU 12 PROTECTION OF PRIVATE PROPERTY RIGHTS

The County shall not intentionally enact or impose any unreasonable land development regulation or apply any land development regulation in an unreasonable manner such that the taking of private property rights would result.

Policy FLU 12.1 Private Property Rights Act

The County shall fully implement the provisions of the Bert J. Harris, Jr., Private Property Rights Protection Act (Section 1, Chapter 95-181, Laws of Florida). Each staff recommendation relative to any land use decision shall consider the provisions of that Act and other general principles of law relating to the appropriate regulation of land without said regulation resulting in the taking of private property rights.

Policy FLU 12.2 Land Use and Environmental Dispute Resolution Act

The County shall fully implement the provisions of the Florida Land Use and Environmental Dispute Resolution Act (Section 2, Chapter 95-181, Laws of Florida).

Policy FLU 12.3 Evaluation of New Land Development Regulations

All land development regulations shall be evaluated prior to their enactment to determine the extent and scope of their impact upon private property rights.

Policy FLU 12.4 Relationship of Land Use to Zoning Classifications

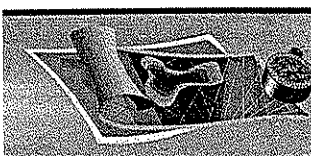
The Comprehensive Plan sets forth the long range potential uses of property in the context of a lawful planning horizon and provides for a wide array of potential zoning classifications within each land use designation. A property owner is not entitled to all zoning classifications or the most potentially dense or intense zoning classification within a land use designation. Numerous planning, timing, compatibility, public facility and other generally acceptable planning issues affect the appropriateness of assigning a particular zoning classification or approving a particular land use with regard to a particular parcel of property.

Policy FLU 12.5 Evaluation Criteria of Property Rights Assertions

The following definitions shall be used to evaluate legitimate private property rights assertions:

- A The reasonable use of property is a use which does not adversely affect the public health, safety, morals, or welfare and is compatible with abutting or proximate properties and is otherwise a use that is consistent with generally accepted land use planning principles.
- B The fact that a zoning classification is within the range of zoning classifications allowed within a land use designation shall not mean nor be construed that a particular zoning classification or the uses within a zoning classification are a reasonable foreseeable use of the property.





Vision 2020 Comprehensive Plan Seminole County, Florida

- C Property owners do not have reasonable investment backed expectations when a use is speculative, incompatible with abutting or proximate uses, is inconsistent with the provisions of this Plan, or is inconsistent with generally acceptable principles of land use planning.
- D An unfair burden on property owners will occur when property is too stringently regulated in view of the level of regulation necessary to protect the public health, safety, morals, or welfare, in view of consistency with this Plan, in view of compatibility with abutting or proximate land uses, and in view of generally acceptable planning principles.

Policy FLU 12.6

Procedures for Land Use Decisions

The County shall continuously review its procedures relative to making land use decisions to ensure that these proceedings adequately address the increased complexity and legal requirements involved in making land use decisions while continuing to ensure a streamlined and efficient review process with adequate public participation. These evaluations will include, but not be limited to, a review of techniques such as a bifurcated hearing process and/or the use of hearing officers to prepare findings of fact and conclusions of law.

Policy FLU 12.7

Additional Compatibility Standards

The County shall rely upon the Lot Size Compatibility Ordinance as one means of evaluating the appropriateness of development on abutting or proximate properties. The effectiveness of this analysis will be evaluated every five (5) years to determine how well the provision of the ordinance address compatibility issues and concerns and will be amended as necessary.



Exhibit P

DEPARTMENT OF COMMUNITY AFFAIRS **OBJECTIONS RECOMMENDATIONS AND COMMENTS REPORT** **SEMINOLE COUNTY AMENDMENT 05-2** **NOVEMBER 2005**

I. CONSISTENCY WITH CHAPTER 163, PART II, RULE 9J-5 F.A.C., AND SECTION 369.321, F.S.

Amendments for Land Use Strategies to optimize Open Space and to promote patterns of development to protect Most Effective Recharge Areas, Karst Features, and Sensitive Natural Habitats

1. DCA Objection: The amendment includes a map (FLUE Exhibit-14) that identifies the karst features and sensitive natural habitats in the Wekiva Study Area, but the amendment does not identify and map the “most effective recharge areas” and base this on the Type A Hydrological Soils Group. The Department Guidelines indicate that the most effective recharge areas for the Wekiva Study Area will be determined in the District’s rulemaking process and that in the interim, local governments should use the Type A Hydrological Soils Group as the basis for the most effective recharge areas.

DCA Recommendation: Revise the amendment to include a map identifying the “most effective recharge areas” and base the map on the Type A Hydrologic Soils Group.

County Response: *Create Policy FLU 15.2 and Exhibit TBD; see Exhibit B).*

2. DCA Objection: The proposed plan amendment does not include a plan policy adopting a definition of open space applicable to the Wekiva Study Area addressing the land area to be left undeveloped or minimally developed as part of a natural resource preserve, passive recreational area, or stormwater area, with consideration of wildfire minimization and excluding areas in lots, street rights-of-way, parking lots, impervious surfaces and active recreation, such as golf courses. The amendment does not include comprehensive plan policies that establish mechanisms that ensure the protection of open space in the Wekiva Study Area in perpetuity (through easements, plat, or other legal instrument enforceable by the local government) based on a definition of open space contained in a comprehensive plan policy.

Future Land Use Element Policy 1.5 allows clustering of uses within planned unit developments to preserve conservation areas, other open space, and groundwater aquifer recharge areas. However, the policy does not include meaningful and predictable guidelines to indicate when clustering of uses is required.

The proposed Future Land Use Element Policy 15.1 encourages the use of planned unit developments and cluster type developments, and requires the adoption of land development regulations to protect karst features and sensitive natural habitats in the Wekiva Study Area. The policy also requires that the County consider adoption of best management practices in its land development regulations and that the County adopt

land development regulations that include, but are not limited to, open space dedications, building and clearing restrictions, and setbacks and buffering requirements. The policy does not address the protection of most effective recharge areas. The policy does not establish meaningful and predictable guidelines and standards addressing the following: (1) indicate when planned unit developments and cluster developments will be required; (2) describe the types of best management practices that will be adopted; and (3) provide more specific standards regarding the building and clearing restrictions, and setbacks and buffering requirements.

The amendment data and analysis indicates that the County's aquifer recharge overlay zoning classification in the land development code includes development standards that protect the most effective recharge areas. The St. Johns River Water Management District's previous assessment of the overlay zoning classification indicated that the County's use of overlay zoning for protection of the most effective recharge areas is an effective regulation. However, the comprehensive plan does not include a policy that establishes meaningful and predictable guidelines and standards to guide the development standards required in the overlay zoning classification for protection of the most effective recharge area.

DCA Recommendation:

A. Revise the amendment to include a plan policy adopting a definition of open space applicable to the Wekiva Study Area addressing the land area to be left undeveloped or minimally developed as part of a natural resource preserve, passive recreational area, or stormwater area, with consideration of wildfire minimization and excluding areas in lots, street rights-of-way, parking lots, impervious surfaces and active recreation, such as golf courses. Based on the definition of open space, revise the amendment to include plan policies that establish mechanisms to ensure the protection of the open space.

County Response: Create Policy FLU 15.1.

DCA Recommendation:

B. Revise the Future Land Use Element Policy 1.5 to include meaningful and predictable guidelines to indicate when clustering of uses is required.

County Response: Create Policy FLU 15.3.

DCA Recommendation:

C. Revise Future Land Use Element Policy 15.1 to establish meaningful and predictable guidelines and standards addressing the following: (1) protection of "most effective recharge areas"; (2) indicate when planned unit developments and cluster developments will be required; (3) describe the types of best management practices that will be adopted; and (4) provide more specific standards regarding the building and clearing restrictions, and setbacks and buffering requirements.

County Response: Revise Policy FLU 15.2.

DCA Recommendation:

D. Revise the comprehensive plan to include a policy that establishes meaningful and predictable guidelines and standards to guide the development standards required in the overlay zoning classification for protection of the most effective recharge area.

County Response: Create Policy FLU 15.1.

3. DCA Objection: The proposed Amendment 05-2 does not include an evaluation of the effect of the Wekiva Study Area land use strategies on property rights protection.

DCA Recommendation: Revise the amendment to include an analysis that evaluates the effect of the Wekiva Study Area land use strategies on property rights protection.

County Response: Revise Seminole County Private Property Rights Analysis for the Wekiva Parkway and Protection Act (in part) (see Exhibit I).

Objective 12 includes a number of additional policies, previously found compliant by the Department, that address the protection of property rights (see Exhibit O).

County Response:

1. Revise Objective FLU 15 and Exhibit I.
2. Transmit to the DCA Objective 12 Protection of Private Property Rights from the Seminole County Comprehensive Plan (see Exhibit O).

II. CONSISTENCY WITH STATE COMPREHENSIVE PLAN

DCA Objection: The proposed comprehensive plan amendment 05-2 is not consistent with and does not further the following provisions of the State Comprehensive Plan (Chapter 187, Florida Statutes) for the reasons noted in the objections raised above in Section I:

- (a) Goal 7.a (Water Resources); Policies 7.b.1, 7.b.5, 7.b.9, 7.b.10, and 7.b.11;
- (b) Goal 9.a (Natural Systems and Recreational Lands); Policies 9.b.1, 9.b.2, and 9.b.10;
- (c) Goal 15.a (Land Use); Policies 15.b.2, and 15.b.6; and
- (d) Goal 25.a (Plan Implementation); Policy 25.b.7.

DCA Recommendation: Revise the plan amendment as recommended for the objections raised above.

County Response: A finding of compliance with the DCA objections herein will remove this determination of inconsistency. The objective and policies in this ORC response reflect comprehensive planning strategies for compliance with the requirements of the Wekiva Parkway and Protection Act. The objective and policies are not primarily a set of specific land development regulations.



Bcc
cm
DCMD
Co Affairs

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

JEB BUSH
Governor

THADDEUS L. COHEN, AIA
Secretary

November 28, 2005

The Honorable Carlton D. Henley, Chairman
Seminole County Board of County Commissioners
1101 East First Street
Sanford, Florida 32771-1468

Dear Chairman Henley:

The Department has completed its review of the proposed Comprehensive Plan Amendment for Seminole County (DCA 05-2), which was received on September 26, 2005. Based on Chapter 163, F.S., we have prepared the attached report, which outlines our findings concerning the amendment. It is particularly important that the County address the "objections" set forth in our review report so that these issues can be successfully resolved prior to adoption. We have also included a copy of local, regional and state agency comments for your consideration. Within the next 60 days, the County should act by choosing to adopt, adopt with changes or not adopt the proposed amendment. For your assistance, our report outlines procedures for final adoption and transmittal.

The County's proposed Amendment 05-2 consists of text amendments to the Future Land Use Element, Conservation Element, and Recreation and Open Space Element to address the requirements of the Wekiva Parkway and Protection Act for local governments within the Wekiva Study Area. The Department commends the County for this timely update to the Comprehensive Plan to comply with the January 1, 2006, amendment date established by the Act.

In order to assist the County as it moves towards the adoption of the Wekiva Study Area amendment, the Department has identified specific issues that should be addressed. It is important in terms of future development or redevelopment activity that the County have an effective strategy to optimize open space in order to protect surface water and groundwater resources. The Department's guidelines (*Guidelines for Preparing Comprehensive Plan Amendments for the Wekiva Study Area, March 2005*) provide direction in this regard. In addition, the St. Johns River Water Management District has recently finalized a stormwater management master plan for the Wekiva Study Area, and we look forward to receiving the County's plan amendment addressing the master stormwater management plan requirement of the Act by December 2005.

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COMMUNITY PLANNING
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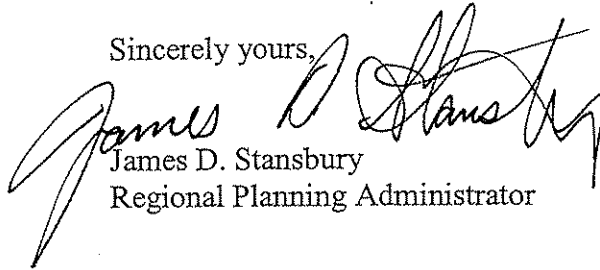
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HOUSING & COMMUNITY DEVELOPMENT
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
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The Honorable Carlton D. Henley
November 28, 2005
Page Two

If you, or your staff, have any questions or if we may be of further assistance as you formulate your response to this Report, please contact Scott Rogers, Principal Planner, at (850) 922-1809.

Sincerely yours,

A handwritten signature in black ink, appearing to read "James D. Stansbury". The signature is fluid and cursive, with the first name "James" being more prominent and the last name "Stansbury" written in a more compact, cursive style.

James D. Stansbury
Regional Planning Administrator

JS/sr

Enclosures: Objections, Recommendations and Comments Report
Review Agency Comments

cc: Mr. Don Fisher, Director, Planning and Development Services, Seminole County
Mr. Jeff Jones, Acting Director, East Central Florida Regional Planning Council

TRANSMITTAL PROCEDURES

The process for adoption of local comprehensive plan amendments is outlined in s. 163.3184, Florida Statutes, and Rule 9J-11.011, Florida Administrative Code.

Within ten working days of the date of adoption, the County must submit the following to the Department:

- Three copies of the adopted comprehensive plan amendment;
- A copy of the adoption ordinance;
- A listing of additional changes not previously reviewed;
- A listing of findings by the local governing body, if any, which were not included in the ordinance; and
- A statement indicating the relationship of the additional changes to the Department's Objections, Recommendations and Comments Report.

The above amendment and documentation are required for the Department to conduct a compliance review, make a compliance determination and issue the appropriate notice of intent.

In order to expedite the regional planning council's review of the amendment, and pursuant to Rule 9J-11.011(5), F.A.C., please provide a copy of the adopted amendment directly to Mr. Jeff Jones, Acting Director of the East Central Florida Regional Planning Council.

Please be advised that the Florida legislature amended Section 163.3184(8)(b), F.S., requiring the Department to provide a courtesy information statement regarding the Department's Notice of Intent to citizens who furnish their names and addresses at the local government's plan amendment transmittal (proposed) or adoption hearings. In order to provide this courtesy information statement, local governments are required by the law to furnish to the Department the names and addresses of the citizens requesting this information. This list is to be submitted at the time of transmittal of the adopted plan amendment (a sample Information Sheet is attached for your use).

DEPARTMENT OF COMMUNITY AFFAIRS
OBJECTIONS, RECOMMENDATIONS AND COMMENTS
FOR
SEMINOLE COUNTY
AMENDMENT 05-2

November 28, 2005
Division of Community Planning
Bureau of Local Planning

This report is prepared pursuant to Rule 9J-11.010, F.A.C.

**OBJECTIONS, RECOMMENDATIONS AND COMMENTS
FOR
SEMINOLE COUNTY
AMENDMENT 05-2**

**I. CONSISTENCY WITH CHAPTER 163, PART II, F.S., RULE 9J-5, F.A.C., and
SECTION 369.321, F.S.**

The County's proposed Amendment 05-2 consists of text amendments to the Future Land Use Element, Conservation Element, and Recreation and Open Space Element to address the requirements of the Wekiva Parkway and Protection Act for local governments within the Wekiva Study Area. The proposed amendments are intended to address the requirement of the Act regarding land use strategies to optimize open space and promote patterns of development that protect most effective recharge areas, karst features and sensitive natural habitats. The Department raises the following objections and comment to proposed Amendment 05-2:

A. Amendments for Land Use Strategies to Optimize Open Space and to Promote Patterns of Development to Protect Most Effective Recharge Areas, Karst Features, and Sensitive Natural Habitats

1. Objection: The amendment includes a map (FLUE Exhibit 14) that identifies the karst features and sensitive natural habitats in the Wekiva Study Area, but the amendment does not identify and map the "most effective recharge areas" and base this on the Type A Hydrological Soils Group. The Department Guidelines indicate that the most effective recharge areas for the Wekiva Study Area will be determined in the District's rulemaking process and that in the interim, local governments should use the Type A Hydrologic Soil Group as the basis for the most effective recharge areas.

[Rules 9J-5.005(2, 5 and 6); 9J-5.006(1, 2, 3 and 4); 9J-5.011(1 and 2); and 9J-5.013(1, 2 and 3), Florida Administrative Code (F.A.C.); and Sections 163.3177(6)(a, c, d, and e); 163.3177(2, 8, and 10); and 369.321(3), Florida Statutes (F.S.)].

Recommendation: Revise the amendment to include a map identifying the "most effective recharge areas" and base the map on the Type A Hydrological Soils Group.

2. Objection: The proposed amendment does not include a plan policy adopting a definition of open space applicable to the Wekiva Study Area addressing the land area to be left undeveloped or minimally developed as part of a natural resource preserve, passive recreational area, or stormwater area, with consideration of wildfire minimization and excluding areas in lots, street rights-of-way, parking lots, impervious surfaces and active recreation, such as golf courses. The amendment does not include Comprehensive Plan policies that establish mechanisms that ensure the protection of open space in the Wekiva Study Area in perpetuity (through easements, plat, or other legal instrument enforceable by the local government) based on a definition of open space contained in a Comprehensive Plan policy.

Future Land Use Element Policy 1.5 allows clustering of uses within planned unit developments to preserve conservation areas, other open space, and groundwater aquifer recharge areas. However, the policy does not include meaningful and predictable guidelines to indicate when clustering of uses is required.

The proposed Future Land Use Element Policy 15.1 encourages the use of planned unit developments and cluster type developments, and requires the adoption of land development regulations to protect karst features and sensitive natural habitats in the Wekiva Study Area. The policy also requires that the County consider adoption of best management practices in its land development regulations and that the County adopt land development regulations that include, but are not limited to, open space dedications, building and clearing restrictions, and setbacks and buffering requirements. The policy does not address the protection of most effective recharge areas. The policy does not establish meaningful and predictable guidelines and standards addressing the following: (1) indicate when planned unit developments and cluster developments will be required; (2) describe the types of best management practices that will be adopted; and (3) provide more specific standards regarding the building and clearing restrictions, and setbacks and buffering requirements.

The amendment data and analysis indicates that the County's aquifer recharge overlay zoning classification in the land development code includes development standards that protect the most effective recharge areas. The St Johns River Water Management District's previous assessment of the overlay zoning classification indicated that the County's use of overlay zoning for protection of the most effective recharge areas is an effective regulation. However, the comprehensive plan does not include a policy that establishes meaningful and predictable guidelines and standards to guide the development standards required in the overlay zoning classification for protection of the most effective recharge area.

[Rules 9J-5.005(2, 5, and 6); 9J-5.006(1, 2, and 3); 9J-5.011(1 and 2); and 9J-5.013(1, 2, and 3), F.A.C.; and Sections 163.3177(6)(a, c, d, and e); 163.3177(2, 8, and 10); and 369.321(3), F.S.]

Recommendation: Revise the amendment to include a plan policy adopting a definition of open space applicable to the Wekiva Study Area addressing the land area to be left undeveloped or minimally developed as part of a natural resource preserve, passive recreational area, or stormwater area, with consideration of wildfire minimization and excluding areas in lots, street rights-of-way, parking lots, impervious surfaces and active recreation, such as golf courses. Based on the definition of open space, revise the amendment to include plan policies that establish mechanisms to ensure the protection of the open space. Revise the Future Land Use Element Policy 1.5 to include meaningful and predictable guidelines to indicate when clustering of uses is required. Revise Future Land Use Element Policy 15.1 to establish meaningful and predictable guidelines and standards addressing the following: (1) protection of "most effective recharge areas"; (2) indicate when planned unit developments and cluster developments will be required; (3) describe the types of best management practices that will be adopted; and (4) provide more specific standards regarding the building and clearing restrictions, and setbacks and buffering requirements. Revise the Comprehensive Plan to include a policy that establishes meaningful and predictable guidelines and standards to guide the development standards required in the overlay zoning classification for protection of the most effective recharge area.

3. Objection: The proposed Amendment 05-2 does not include an evaluation of the effect of the Wekiva Study Area land use strategies on property rights protection.

[Rules 9J-5.005(2 and 5); and 9J-5.006(1 and 2), F.A.C.; and Sections 163.3177(6)(a, c, d, and e); 163.3177(2, 8, and 10); and 369.321(3), F.S.]

Recommendation: Revise the amendment to include an analysis that evaluates the effect of the Wekiva Study Area land use strategies on property rights protection.

B. Stormwater Amendment

1. Comment: The County's transmittal letter states that the County expects to transmit proposed amendments to address the master stormwater management plan requirement of the Wekiva Parkway and Protection Act in December 2005 with adoption in March 2006. The St. Johns River Water Management District has recently finalized a stormwater management master plan for the Wekiva Study Area, and we look forward to receiving the County's plan amendment addressing the master stormwater management plan requirement of the Act.

II. CONSISTENCY WITH STATE COMPREHENSIVE PLAN

Objection: The proposed Comprehensive Plan Amendment 05-2 is not consistent with and does not further the following provisions of the State Comprehensive Plan (Chapter 187, Florida Statutes) for the reasons noted in the objections raised above in Section I:

- (a) Goal 7.a (Water Resources); Policies 7.b.1, 7.b.5, 7.b.9, 7.b.10, and 7.b.11;
- (b) Goal 9.a (Natural Systems and Recreational Lands); Policies 9.b.1, 9.b.2, and 9.b.10.
- (c) Goal 15.a (Land Use); Policy 15.b.2, 15.b.6; and
- (d) Goal 25.a (Plan Implementation); Policy 25.b.7.

Recommendation: Revise the plan amendment as recommended for the objections raised above.



St. Johns River Water Management District

Kirby B. Green III, Executive Director • David W. Fisk, Assistant Executive Director

4049 Reid Street • P.O. Box 1429 • Palatka, FL 32178-1429 • (386) 329-4500
On the Internet at www.sjrwmd.com.

November 16, 2005

D. Ray Eubanks, Administrator
Plan Review and Processing
Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

06 JS
11/21/05

Subject: Seminole County Proposed Comprehensive Plan Amendment
DCA Amendment #05-2

Dear Mr. Eubanks:

St. Johns River Water Management District (District) planning staff have reviewed the above-referenced proposed comprehensive plan amendment. The proposed amendment consists of one map change and text changes to the Future Land Use, Conservation, and Recreation and Open Space elements of the County's Comprehensive Plan. The text changes are proposed to address the requirements of the Wekiva Parkway and Protection Act (Act) relative to land use strategies. District staff have no comments regarding the future land use map change because no substantial water supply availability or related water resource issues were identified. The District staff review of the text changes focuses on the requirements of the Act relative to water supply availability and other water resource issues. District staff comments regarding the text changes are provided below.

The Act requires local governments within the Wekiva Study Area to amend their comprehensive plans to establish land use strategies that optimize open space and promote a pattern of development that protects the most effective recharge areas, karst features, and sensitive natural habitats, including longleaf pine, sand hill, sand pine, and xeric oak scrub. The County's submittal package includes existing and proposed comprehensive plan text to address the requirements of the Act and DCA's "Guidelines for Preparing Comprehensive Plan Amendments for the Wekiva Study Area pursuant to the Wekiva Parkway and Protection Act" (Guidelines).

The County's submittal package includes a map that identifies the karst features and sensitive natural habitats in the Wekiva Study Area, but does not identify the most effective recharge areas. The Guidelines indicate that the most effective recharge areas for the Wekiva Study Area will be determined in the District's rulemaking process, and that in the interim, local governments should use the Type A Hydrologic Soil Group as the basis for the most effective recharge areas. Exhibit D of the submittal package indicates that the land development code defines the most effective recharge area as a recharge rate of 10-21 inches of rainfall per year. Section 30.1024 of the County's land development code indicates that the most effective recharge area is determined by data provided by the USGS, the Soil Conservation Service, and the District. County staff provided District staff with a copy of the map from the land development code depicting the most effective recharge areas. The map generally coincides with the Type A Hydrologic Soils Group, but there are

GOVERNING BOARD

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			W. Leonard Wood FERDINANDIA BEACH

some differences. The County should include a map in the comprehensive plan that depicts the most effective recharge areas based on the Type A Hydrologic Soils Group.

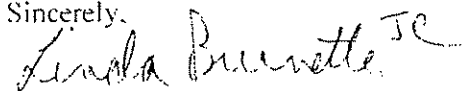
Exhibit D of the submittal package indicates that the County's aquifer recharge overlay zoning classification in the land development code includes development standards that protect the most effective recharge areas. The District's assessment of the overlay zoning classification included in Appendix 4 of the DCA's Report to the Wekiva River Basin Coordinating Committee, dated November 1, 2003, indicated that the County's use of overlay zoning for protection of the most effective recharge areas is an effective regulation. Exhibit D does not identify a comprehensive plan policy that characterizes or summarizes the development standards required in the overlay zoning classification. The County should include a policy to support the existing land development regulation.

Exhibit D indicates that future land use (FLU) policy 1.5 allows clustering of uses within planned unit developments to preserve conservation areas, other open space, and groundwater aquifer recharge areas. The policy should be revised to indicate when clustering of uses is required.

Proposed FLU Policy 15.1 in Exhibit B encourages the use of planned unit developments and cluster type developments, and requires the adoption of land development regulations to protect karst features and sensitive natural habitats in the Wekiva Study Area. The policy also requires that the County consider adoption of best management practices in its land development regulations and that the County adopt land development regulations addressing open space dedications, building and clearing restrictions, and setbacks and buffering requirements. The policy should be revised to apply to most effective recharge areas, to indicate when planned unit developments will be required, to describe the types of best management practices that will be adopted, and to provide more specific direction regarding the building and clearing restrictions, and setbacks and buffering requirements.

We appreciate the opportunity to provide comments. If you have any questions, please contact District Policy Analyst Peter Brown at (386) 329-4311/Suncom 860-4311 or pbrown@sjrwmd.com.

Sincerely,



Linda Burnette, Director
Office of Communications and Governmental Affairs

LB/PB

cc: Randy Morris, Seminole County Commission
Bob Dallari, Seminole County Commission
Carlton Henley, Seminole County Commission
Tony Matthews, Seminole County
Lindy McDowell, FDEP

Jeff Jones, ECFRPC
Jeff Cole, SJRWMD
Nancy Christman, SJRWMD
Peter Brown, SJRWMD



06 JS
10/25/05

FLORIDA DEPARTMENT OF STATE

Glenda E. Hood

Secretary of State

DIVISION OF HISTORICAL RESOURCES

Mr. Ray Eubanks
Department of Community Affairs
Bureau of State Planning
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

October 24, 2005

Re: Historic Preservation Review of the Seminole County (05-2) Comprehensive Plan Amendment Request

Dear Mr. Eubanks:

According to this agency's responsibilities under sections 163.3177 and 163.3178, *Florida Statutes*, and Chapter 9J-5, *Florida Administrative Code*, we reviewed the above document to determine if data regarding historic resources have been given sufficient consideration in the request to amend the Seminole County Comprehensive Plan.

We reviewed one proposed amendment to the Future Land Use Map, in addition to Wekiva Parkway and Protection Act related text amendments to consider the potential effects of these actions on historic resources. While our cursory review suggests that the proposed changes may have no adverse effects on historic resources, it is the county's responsibility to ensure that none of the proposed revisions will not have an adverse effect on significant archaeological or historic resources in Seminole County.

For the land use amendment, Reserve at Slavia, a review of our files indicates that archaeological site 8SE99 appears to be within or adjacent to this parcel. This site is recorded only as a general vicinity site, which means the exact location is unknown. Because this site may be within the amendment parcel, the most effective way to ensure that such sites are not adversely affected is for the county to sponsor or require historic resource surveys so that it can ensure its archaeological resources and historic structures fifty years of age or older will be considered when substantive changes in land use are proposed.

If you have any questions regarding our comments, please feel free to contact Susan M. Harp of the Division's Compliance Review staff at (850) 245-6333.

Sincerely,

Frederick P. Gaske, Director

500 S. Bronough Street • Tallahassee, FL 32399-0250 • <http://www.flheritage.com>

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☐ Archaeological Research
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☒ Historic Preservation
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☐ Historical Museums
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☐ Southeast Regional Office
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☐ Northeast Regional Office
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☐ Central Florida Regional Office
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Florida Department of Transportation

JEB BUSH
GOVERNOR

Intermodal Systems Development
133 South Semoran Boulevard
Orlando, FL 32807-3230

DENVER J. STUTLER, JR.
SECRETARY

October 27, 2005

Mr. Ray Eubanks, Community Program Administrator
Department of Community Affairs, State of Florida
Plan Review & DRI Processing Section
2555 Shumard Oaks Boulevard
Tallahassee, FL 32399-2100

SUBJECT: PROPOSED COMPREHENSIVE PLAN AMENDMENTS
LOCAL GOVERNMENT: SEMINOLE COUNTY
DCA #: 05-2

Dear Mr. Eubanks:

The Department of Transportation has completed its review of the above proposed comprehensive plan amendments as requested in your memorandum dated, September 30, 2005.

We appreciate the opportunity to participate in this review process and we offer our comments with this letter. If you have any questions, please contact me at 407-482-7856 (Suncom: 335-7856) or e-mail me at betty.mckee@dot.state.fl.us.

Sincerely,

Betty McKee
Systems Planner

BMCK
attachment

cc: Don Fisher, Seminole County
Rob Magee, FDOT-C/O
James Stansbury, DCA
Tony Walter, Seminole County\

06 JS
11/1/05

COMPREHENSIVE PLAN AMENDMENT REVIEW COMMENTS

Local Government: Seminole County
DCA Amendment #: Seminole County 05-2
Date of DCA's Request Memo: September 30, 2005
Review Comments Deadline: October 29, 2005
Today's Date: October 20, 2005

GENERAL BACKGROUND INFORMATION

Seminole County has submitted one Future Land Use Map (FLUM) amendment and a series of text amendments to implement the Wekiva Parkway and Protection Act.

For the FLUM amendment, the Department evaluated how the trip generation potential of the property will change if the proposed FLUM designation is adopted. (Trip generation potential reflects the maximum amount of development that could occur on the property.) The pertinent FLUM designations are described as follows:

- *Low Density Residential.* "This land use is designated for standard detached single family residences at a maximum density of four (4) dwelling units per net buildable acre."
- *Medium Density Residential.* "This land use provides for a range of residential uses at a maximum density of 10 dwelling units per net buildable acre.... [It allows] detached residences, patio homes, duplexes, multiple-family units, mobile home parks, and factory built modular units...."

The text amendments affect the Conservation Element, the Future Land Use Element, and the Recreation and Open Space Element. The amendments are required to implement the Wekiva Parkway and Protection Act per Chapter 369 of the Florida Statutes. The amendments are intended to incorporate into the comprehensive plan land use strategies that will better protect environmental resources. Future amendments will address other requirements of the Wekiva Parkway and Protection Act (e.g., implementation of a wastewater facility plan and recognition of the Wekiva Parkway in the comprehensive plan).

FDOT Contact: Betty McKee
FDOT District 5
Office of Intermodal Systems Development
Telephone: 407-482-7856 (Suncom) 335-7856
Fax: 407-275-4188
E-mail: betty.mckee@dot.state.fl.us
File: J:\Growth Management\Comprehensive Plans\CommentsandCoverLetters\Seminole Co\SeminoleCounty05-2Comments102705.doc

Reviewed by: Kelly Blume, P.E.
Kittelson & Associates, Inc.
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COMPREHENSIVE PLAN AMENDMENT REVIEW COMMENTS

Local Government: Seminole County
DCA Amendment #: Seminole County 05-2
Date of DCA's Request Memo: September 30, 2005
Review Comments Deadline: October 29, 2005
Today's Date: October 20, 2005

TEXT AMENDMENT 1 (WEKIVA PARKWAY AND PROTECTION ACT - 05F.TXT01.01)

Elements: Conservation Element
Rule Reference: Chapter 163, Florida Statutes, and Chapter 9J, Florida Administrative Code

Background:
This amendment adds an example to Policy CON 2.8 regarding educational brochures.

Review Comments:
The Department has no comments on this amendment.

TEXT AMENDMENT 2 (WEKIVA PARKWAY AND PROTECTION ACT - 05F.TXT01.02)

Elements: Future Land Use Element
Rule Reference: Chapter 163, Florida Statutes, and Chapter 9J, Florida Administrative Code

Background:
This amendment adds language to Policy FLU 1.7 to state that lands in the Wekiva River Protection Area must conform to the requirements of the Wekiva Parkway and Protection Act. A reference to new Objective FLU 15 is also added.

Review Comments:
The Department has no comments on this amendment.

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COMPREHENSIVE PLAN AMENDMENT REVIEW COMMENTS

Local Government: Seminole County
DCA Amendment #: Seminole County 05-2
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TEXT AMENDMENT 3 (WEKIVA PARKWAY AND PROTECTION ACT - 05F.TXT01.03)

Elements: Recreation and Open Space Element
Rule Reference: Chapter 163, Florida Statutes, and Chapter 9J, Florida Administrative Code

Background:
This amendment adds the Florida Communities Trust program to Policy REC 6.2 as an example of a grant source.

Review Comments:
The Department has no comments on this amendment.

TEXT AMENDMENT 4 (WEKIVA PARKWAY AND PROTECTION ACT - 05F.TXT02.01)

Elements: Future Land Use Element
Rule Reference: Chapter 163, Florida Statutes, and Chapter 9J, Florida Administrative Code

Background:
This amendment adds Objective FLU 15, Protection of the Natural Resources of the Wekiva Study Area, to state that comprehensive plan goals, objectives, and policies and land development regulations effective in the Wekiva Study Area must be consistent with the Wekiva Parkway and Protection Act.

Review Comments:
The Department has no comments on this amendment.

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COMPREHENSIVE PLAN AMENDMENT REVIEW COMMENTS

Local Government: Seminole County
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TEXT AMENDMENT 5 (WEKIVA PARKWAY AND PROTECTION ACT - 05F.TXT02.02)

Elements: Future Land Use Element
Rule Reference: Chapter 163, Florida Statutes, and Chapter 9J, Florida Administrative Code

Background:

This amendment adds Policy FLU 15.1 in support of new Objective FLU 15. The new policy states that the County will (1) apply land use strategies to encourage planned unit developments and clustering and (2) enact land development regulations that will establish standards for minimizing the impacts of development on certain environmental features and habitats.

Review Comments:

The Department has no comments on this amendment.

TEXT AMENDMENT 6 (WEKIVA PARKWAY AND PROTECTION ACT - 05F.TXT02.03)

Elements: Future Land Use Element
Rule Reference: Chapter 163, Florida Statutes, and Chapter 9J, Florida Administrative Code

Background:

This amendment adds Policy FLU 15.2 in support of new Objective FLU 15. The new policy lists the objectives and policies located in other comprehensive plan elements that will reinforce the Wekiva River Protection Act provisions.

Review Comments:

The Department has no comments on this amendment.

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COMPREHENSIVE PLAN AMENDMENT REVIEW COMMENTS

Local Government: Seminole County
DCA Amendment #: Seminole County 05-2
Date of DCA's Request Memo: September 30, 2005
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TEXT AMENDMENT 7 (WEKIVA PARKWAY AND PROTECTION ACT - 05F.TXT02.05)

Elements: Future Land Use Element
Rule Reference: Chapter 163, Florida Statutes, and Chapter 9J, Florida Administrative Code

Background:

This amendment reflects changes to FLU Exhibit 23. The changes include re-formatting, addition of city limits, and addition of the Wekiva Study Area boundary.

Review Comments:

The Department has no comments on this amendment.

TEXT AMENDMENT 8 (WEKIVA PARKWAY AND PROTECTION ACT - 05F.TXT02.06)

Elements: Future Land Use Element
Rule Reference: Chapter 163, Florida Statutes, and Chapter 9J, Florida Administrative Code

Background:

This amendment adds a new FLU exhibit, Karst Features and Sensitive Natural Habitats, to support new Policy FLU 15.1.

Review Comments:

The new exhibit does not have a number assigned to it. The Department has no other comments on this amendment.

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COMPREHENSIVE PLAN AMENDMENT REVIEW COMMENTS

Local Government: Seminole County
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Date of DCA's Request Memo: September 30, 2005
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TEXT AMENDMENT 9 (WEKIVA PARKWAY AND PROTECTION ACT - 05F.TXT02.07)

Elements: Future Land Use Element
Rule Reference: Chapter 163, Florida Statutes, and Chapter 9J, Florida Administrative Code

Background:

This amendment reflects changes to FLU Exhibit 14. The changes include re-formatting, addition of city limits, and addition of the Wekiva Study Area boundary.

Review Comments:

The Department has no comments on this amendment.

TEXT AMENDMENT 10 (WEKIVA PARKWAY AND PROTECTION ACT - 05F.TXT02.08)

Elements: Conservation Element
Rule Reference: Chapter 163, Florida Statutes, and Chapter 9J, Florida Administrative Code

Background:

This amendment reflects changes to CON Exhibit 2. The changes include minor re-formatting, addition of city limits, and addition of the Wekiva Study Area boundary.

Review Comments:

The Department has no comments on this amendment.

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COMPREHENSIVE PLAN AMENDMENT REVIEW COMMENTS

Local Government: Seminole County
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TEXT AMENDMENT 11 (WEKIVA PARKWAY AND PROTECTION ACT - 05F.TXT02.09)

Elements: Future Land Use Element

Rule Reference: Chapter 163, Florida Statutes, and Chapter 9J, Florida Administrative Code

Background:

This amendment reflects revision of the FLUM to show the Wekiva Study Area boundary and minor re-formatting.

Review Comments:

The Department has no comments on this amendment.

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